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Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 42, Amdt. 3]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE

Food Distribution Order 42, as amended (8 F.R. 13970), § 1460.1, is amended as follows:

By inserting immediately after the end of Schedule A of paragraph (b) (1) thereof and as a part of said Schedule A, the following:

Provided further, however, That for the purpose of determining the restrictions applicable to a manufacturer's use of fats and oils during the calendar quarter beginning on January 1, 1944, only, Schedule A hereof shall read as follows:

Class of use:	*Permitted percentage*
Manufacture of margarine	167
Manufacture of other edible finished products, including shortening	88
Manufacture of package and bar soap	90
Manufacture of bulk package soap	110
Manufacture of abrasive hand soap	150
Manufacture of paints, varnishes, lacquers, and other protective coatings, except protective coatings used as, or in the manufacture of, container closures, container liners, or linings and liners for cans (as defined in Conservation Order M-81, as amended, 9 F.R. 82), *Provided,* That such cans, container closures, and container liners are used only for the packaging of food, drugs, pharmaceuticals, and beverages	70
Manufacture of linoleum, oilcloth (for floor coverings), and felt base floor coverings	70
Manufacture of oilcloth (for all purposes other than floor coverings) and all other coated fabrics	70
Manufacture of printing inks, including lithographing, offset, silk screen, and other processing inks	90

This amendment shall become effective February 10, 1944, 12:01 a. m., e. w. t. (E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 10th day of February 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-2015; Filed, February 10, 1944; 3:17 p. m.]

[FDO 79-53, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN ALBANY-SCHENECTADY-TROY, N. Y., SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-53 (8 F.R. 14190), relative to the conservation and distribution of fluid milk in the Albany-Schenectady-Troy, New York, milk sales area, issued by the Director of Food Distribution on October 15, 1943, as amended, is hereby further amended by deleting therefrom the description of the sales area in § 1401.90 (b) and inserting in lieu thereof the following:

The cities of Albany, Cohoes, and Watervliet, and the towns of Bethlehem, Colonie, Green Island and Guilderland in Albany County, New York; the city of Schenectady and the towns of Glenville, Niskayuna, and Rotterdam in Schenectady County, New York; and the cities of Troy and Rensselaer, and the towns of Brunswick, East Greenbush and North Greenbush in Rensselaer County, New York; and the towns of Halfmoon and Waterford in Saratoga County, New York.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., March 1, 1944. With respect to violations of said Food Distribution Order No. 79-53, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-53, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

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NOTICE

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Issued this 11th day of February 1944.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44–2086; Filed, February 11, 1944; 3:34 p. m.]

[FDO 79–128, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN SAN ANTONIO, TEX., SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September

7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79–128 (9 F.R. 648), relative to the conservation and distribution of fluid milk in the San Antonio, Texas, milk sales area, issued by the Director of Food Distribution on January 13, 1944, as amended, is hereby further amended by deleting therefrom the provisions in § 1401.163 (b) and inserting, in lieu thereof, the following:

The city of San Antonio and all of the remaining territory within the boundary lines of Bexar County, in the State of Texas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., March 1, 1944. With respect to violations of said Food Distribution Order No. 79–128, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79–128, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 11th day of February 1944.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44–2087; Filed, February 11, 1944; 3:34 up. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[General Order C-45]

PART 95—ENROLLMENT AND DISBARMENT OF ATTORNEYS AND REPRESENTATIVES

FEBRUARY 4, 1944.

Regulations governing the enrollment and disbarment of attorneys and representatives in connection with practice before officers of the Immigration and Naturalization Service or the Board of Immigration Appeals.

Pursuant to the authority conferred by section 161 of the Revised Statutes, as amended (5 U.S.C. 22); section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458); § 90.1, Title 8, Chapter I, Code of Federal Regulations (8 F.R. 8735); and § 90.2, Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503), Part 167, Title 8, Chapter I, Code of Federal Regulations is hereby repealed and the following new part is added to Title 8, Chapter I, Code of Federal Regulations:

Sec.
95.1 Definitions.
95.2 Admission to practice required.
95.3 Qualifications for admission to practice.
95.4 Applications for admission to practice; decision.
95.5 Roster of attorneys.
95.6 Appearances; use of record.
95.7 Suspension and disbarment.
95.8 Procedure for suspension or disbarment; effect.
95.9 Effective date.

AUTHORITY: §§ 95.1 to 95.9, inclusive, issued under sec. 161 Revised Statutes, as amended (5 U.S.C. 22); sec. 23, 39 Stat. 892, 8 U.S.C. 102; sec. 24, 43 Stat. 166, 8 U.S.C. 222; sec. 1, Reorg. Plan No. V, 5 F.R. 2223; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1; 8 CFR 90.2.

§ 95.1 *Definitions.* As used in this part:

(a) The term "Attorney General" means the Attorney General of the United States.

(b) The term "Service" means the Immigration and Naturalization Service.

(c) The term "Commissioner" means the Commissioner of Immigration and Naturalization.

(d) The term "district director" means a district director of Immigration and Naturalization.

(e) The term "officer in charge" means an officer of the Immigration and Naturalization Service who has over-all supervision over a field office which is subordinate to the office of the district director.

(f) The term "Board" means the Board of Immigration Appeals.

(g) The term "attorney" means a person licensed to practice law in the Federal, State (including the District of Columbia), territorial, or insular courts.

(h) The term "representative" means a person representing a reputable religious, charitable, social service, or similar organization established in the United States and recognized as such by the Board.

(i) The term "case" means any proceeding arising under the laws and regulations administered by the Service.

(j) The term "practice" means the act of an attorney or representative in appearing in any case, either in person or through the filing of a brief or other document, on behalf of a client before any officer of the Service or the Board.

§ 95.2 *Admission to practice required.* (a) No person shall be permitted to practice before the Service or the Board until he has been admitted to practice in accordance with § 95.4.

(b) Notwithstanding paragraph (a):

(1) A district director, an officer in charge, the Commissioner, any other officer of the Central Office authorized by the Commissioner to do so, or the Board may permit an attorney or representative to file an appearance in behalf of a party in any case prior to the approval of his application for admission if such attorney or representative files the application concurrently with filing his appearance in the case. If the application is subsequently denied, such attorney or representative shall not thereafter be permitted to practice, in that or any other case, unless and until his admission to practice has been authorized by the Board and subject to such conditions as the Board shall direct.

(2) An attorney or representative who files or has filed an appearance in any case prior to the effective date of this part and on that date continues so to serve may be permitted to conclude such services subject, however, to the prohibitions stated in §§ 95.4 (d) and 95.8 (d).

(3) A party to a case may be represented by any reputable individual of good moral character, whether or not admitted to practice in accordance with § 95.4, if such individual is appearing without monetary or other material remuneration and files a written declaration to that effect, and if such representation is permitted by the officer in charge of the office having the case under consideration, the Commissioner, or the Board.

(4) Any alien may be represented by an accredited official in the United States of the Government to which the alien owes allegiance, if such official appears solely in his official capacity, and with the consent of the alien.

(5) An attorney, other than described in § 95.1 (g), residing outside the United States and licensed to practice law and in good standing in a court or courts of the country in which he resides and who is engaged in such practice may be permitted by any district director or officer in charge of a field office, the Commissioner, or any officer of the Central Office designated by him, or the Board, to file his appearance and be heard in any individual case. The district director shall have authority to withhold granting permission to such attorney to appear before an officer under his jurisdiction pending decision thereon by the Board.

(6) No person who is a party to a case shall be denied the privilege of presenting oral argument in his own behalf before an officer of the Service or the Board having his case under consideration.

(7) Any person desiring to be heard as amicus curiae shall apply therefor to the Board; and the Board may grant such application if it deems it to be in the public interest.

(c) No person previously in the employ of the Service or the Board may be permitted to practice in a case in which he participated during the period of such employment.

§ 95.3 *Qualifications for admission to practice.* (a) Admission to practice shall be limited to persons who are citizens of the United States, who are of good moral character, and who are attorneys in good standing in the court or courts in which they are licensed to practice, or who are representatives of organizations of the character described in § 95.1 (h).

(b) No person within any category set forth in § 95.7 may be admitted to practice.

§ 95.4 *Applications for admission to practice; decision.* (a) Applications for admission to practice may be filed with a district director, the Commissioner, or the Chairman of the Board, at the option of the applicant. Such application shall be made in triplicate upon Form G–27, shall be executed under oath or affirmation, shall be responsive to the questions therein, and shall reveal such information as may be considered necessary to make a decision upon the application. An application by an attorney shall be supported by a current certificate from a judge or clerk of the court

in which the applicant is licensed to practice, or by a written statement of the officer in charge of the local office of the Service certifying that upon inquiry he has ascertained and has personal knowledge that the applicant is so licensed. An application by the representative of an organization shall be supported by a statement of the appropriate officer or officers thereof, certifying that the applicant is its accredited representative and authorized to appear in its behalf in any case.

(b) The original application shall be permanently retained in the files of the Board, the duplicate in the files of the Commissioner, and the triplicate in the files of the district director having jurisdiction over the applicant's place of residence.

(c) As soon as practicable after receipt of the application the Board shall give consideration thereto. If the application is approved, written notation to that effect shall be made on the application and a certificate of admission to practice shall be issued to the licensee. If the conclusion is that the application should be denied, the Board shall prepare a proposed order of denial, in which shall be stated the reasons for denying the application. The Board shall serve the proposed order on the applicant, either personally or by registered mail and obtain a return receipt therefor. The applicant shall be allowed a reasonable time, not less than ten days, in which to file exceptions to the proposed order and to submit a brief if desired. After receipt of the exceptions, or if none are received within three days after expiration of the period specified for filing of exceptions, the Board shall make such order as it may then determine appropriate. If the order be to deny the application, or if any one of the circumstances described in § 90.12 of these regulations be present, the Board shall refer the record to the Attorney General for review of its decision. The order of the Attorney General shall be the final determination of the application.

(d) Admission of a representative shall terminate upon discontinuance of his authority to represent the organization named in his application.

§ 95.5 *Roster of attorneys.* The Board shall maintain an alphabetical roster of attorneys and of representatives of organizations. A copy of the roster shall be supplied to the Commissioner, and he shall be advised from time to time of changes therein.

§ 95.6 *Appearances; use of record.* (a) An appearance shall be filed in writing on Form G–28 by attorneys or representatives appearing in each individual case. When an appropriate appearance has been filed in a case, substitution of attorneys or representatives may be permitted upon the written withdrawal of the attorneys or representatives of record or upon notice by the party to the case of his designation of new attorneys or representatives. If any attorney or representative of record authorizes another attorney or representative to act for him as an associate in a case, the latter will be heard if satisfactory evidence of his authorization is presented and if he has been admitted to practice under this part.

(b) During the time a case is pending the attorney or representative of record, or his associate, shall be permitted to review the record and, upon request, be lent a copy of the testimony adduced and in expulsion proceedings the memorandum, if any, prepared by the presiding inspector setting forth a summary of the evidence and his proposed findings of fact, conclusions of law, and order. The attorney or representative shall give his receipt for such copy and pledge that no copy thereof will be made, that he will retain it in his possession and under his control, and that it will be surrendered uopn final disposition of the case.

CROSS REFERENCES: For attorneys and other persons representing applicants for certificates of derivative citizenship, see 8 CFR 379.3; for registry, 8 CFR 362.3.

§ 95.7 *Suspension and disbarment.* With the approval of the Attorney General, the Board may suspend or bar from further practice an attorney or representative, if it shall find that suspension or disbarment is in the public interest. The suspension or disbarment of an attorney or representative who is within one or more of the following categories shall be deemed to be in the public interest, for the purpose of these regulations:

(1) Who charges or receives, either directly or indirectly, any fee or compensation for services which may be deemed to be grossly excessive in relation to the services performed by him in the case;

(2) Who, with intent to defraud or deceive, bribes, attempts to bribe, coerces, or attempts to coerce, by any means whatsoever, any person, including a party to a case, or an officer or employee of the Service or Board, to commit an act or to refrain from performing an act in connection with any case;

(3) Who wilfully misleads, misinforms, or deceives an officer or employee of the Service, the Board, or the Attorney General concerning any material and relevant fact in connection with a case;

(4) Who wilfully deceives, misleads, or threatens any party to a case concerning any matter relating to the case;

(5) Who solicits practice by means of runners or other unethical methods;

(6) Who represents, as an associate, an attorney who, known to him, solicits practice by means of runners or other unethical methods;

(7) Who has been temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in any court, Federal, State (including the District of Columbia), territorial, or insular;

(8) Who is temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in a representative capacity before any executive department, board, commission, or other Governmental unit, Federal, State (including the District of Columbia), territorial, or insular;

(9) Who, by use of his name, personal appearance, or any device, aids and abets an attorney to practice during the period of his suspension or disbarment, such suspension, or disbarment being known to him;

(10) Who wilfully made false and material statements in his application for admission to practice, or in his appearance in any case;

(11) Who engages in contumelious or otherwise unprofessional conduct with respect to a case in which such attorney acts in a representative capacity which would constitute cause for suspension or disbarment were the case pending before a court;

(12) Who, having been furnished with a copy or copies of any portion of the record in any case, wilfully fails to surrender such copy or copies upon final disposition of the case, or wilfully and without authorization makes and retains a copy or copies of the material furnished;

(13) Who has been convicted of a felony, or, having been convicted of any crime, is sentenced to imprisonment for a term of one year or more;

(14) Who no longer possesses the qualifications required by § 95.3 of this part for admission to practice;

(15) Who is the representative of an organization which is no longer recognized by the Board as being of the character described in § 95.1 (h); or

(16) Who wilfully violates any of the provisions contained in this part.

§ 95.8 *Procedure for suspension or disbarment; effect.* (a) The Commissioner may cause to be investigated any complaint or circumstance which establishes a prima facie case for the suspension or disbarment of any enrolled attorney or representative. If such investigation establishes to the satisfaction of the Commissioner that suspension or disbarment proceedings should be instituted, he shall cause written charges to be preferred. A copy of such charges shall be served upon the respondent, either personally or by registered mail, with notice to show cause within a specified time, not less than 30 days, why he should not be suspended or disbarred from further practice. Such notice shall also advise the respondent that after answer has been made and the matter is at issue, if he so requests he will be given opportunity for a hearing. If hearing is requested, the Commissioner will specify the time and place therefore and specially designate the officer who shall preside and the officer who shall present the evidence in support of the charges. The nonreceipt of answer within three days after expiration of the period prescribed to show cause shall be held a waiver of defense to the charges. When the record is complete, the Commissioner shall forward it to the Board with his recommendation.

(b) The respondent, either with or without counsel, and the Commissioner, or any officer designated by him for the purpose, shall have the privilege of appearing before the Board for oral argument at a time specified by the Board.

(c) The Board shall consider the record as presented by the Commissioner as soon as practicable after its receipt and render its decision thereon. The order of the Board shall constitute the final disposition of the proceeding: *Provided, however,* That if the order would suspend or disbar the respondent, or if any one of the circumstances described in § 90.12 of this chapter be present, the Board shall

refer the record to the Attorney General for review of its decision and in such case the order of the Attorney General shall be the final determination of the proceeding.

(d) In case the final order against the respondent is for suspension or disbarment, the attorney or representative shall not thereafter be permitted to practice unless and until authorized so to do by the Board; and if disbarred, he shall surrender certificate of his admission to the Board for cancellation.

§ 95.9 *Effective date.* This regulation shall take effect from and after May 1, 1944, except that applications for admission to practice may be filed immediately in the manner prescribed in § 95.4 (a) of this part.

EARL G. HARRISON,
Commissioner.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 44-2105; Filed, February 12, 1944; 11:15 a. m.]

[General Order C-45]

PART 167—ATTORNEYS AND OTHER REPRESENTATIVES

NOTE: Part 167, Attorneys and Other Representatives, is repealed and Part 95, Enrollment and Disbarment of Attorneys and Representatives, is added to this chapter by General Order C-45, *supra.*

[General Order C-46]

ENTRY OF CHINESE PERSONS INTO UNITED STATES

CHANGES RESULTING FROM REPEAL OF CHINESE EXCLUSION ACTS

JANUARY 25, 1944.

Changes in the regulations of the Immigration and Naturalization Service to give effect to the act entitled "An Act to Repeal the Chinese Exclusion Acts, To Establish Quotas, and for Other Purposes" approved December 17, 1943.

Pursuant to the Act of December 17, 1943 (An Act to repeal the Chinese Exclusion Acts, to establish quotas, and for other purposes, Public Law No. 199—78th Congress; Chapter 344—1st Session, 57 Stat. 600), section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 7 (d) of the Act of May 20, 1926 (Air Commerce Act of 1926, 44 Stat. 572; 49 U.S.C. 177 (d)); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458); sections 327 and 705 of the Act of October 14, 1940 (54 Stat. 1151, 56 Stat. 182; 8 U.S.C. 727, 1005); § 90.1, Title 8, Chapter I, Code of Federal Regulations (8 F.R. 8735); and all other authority conferred by law, the following changes in Title 8, Chapter I, Code of Federal Regulations are hereby prescribed:

Section 110.5 is amended by deleting the following: ", or who is in possession of a laborer's return certificate issued pursuant to section 7 of the Act of September 13, 1888 (25 Stat. 477; 8 U.S.C. 277), relating to Chinese laborers,".

Section 112.1 is amended by deleting the following: ", and such person, if Chinese, may be admitted only at a seaport or land-border port of entry for Chinese designated in §§ 205.1, 205.2, or 205.3 of this title".

Section 116.59 is hereby repealed.

Section 120.3 is amended by deleting the following: "(section 1 of the Chinese Exclusion Act of April 29, 1902, as amended by section 5 of the Deficiency Act of April 27, 1904; 33 Stat. 428; 8 U.S.C. 295), or in cases of Chinese persons or persons of Chinese descent, in the Territory of Hawaii (last mentioned act and joint resolution of July 7, 1898 (30 Stat. 751; 8 U.S.C. 293))".

Section 128.10 is amended by deleting the following: ", including persons of the Chinese race,".

The cross reference at the end of § 130.1 is deleted.

Section 168.6 is amended by deleting the following which appears twice: ", Chinese inspector acting as an immigrant inspector,".

All of Subchapter C, entitled "Chinese Regulations", is hereby repealed.

Section 110.35 is added as follows:

§ 110.35 *Definition of Chinese persons; entry of such persons who were born in the barred zone.* The term "Chinese persons" as used in section 2 of the Act of December 17, 1943 (Public Law No. 199—78th Congress; Chapter 344—1st Session, 57 Stat. 600) means persons who are of as much as one-half Chinese blood and are not of as much as one-half blood of a race or races ineligible to citizenship. The rights of such Chinese persons under the provisions of that Act shall not be regarded as impaired by those provisions of section 3 of the Immigration Act of February 5, 1917, as amended (39 Stat. 875; 8 U.S.C. 136 (n)), relating to the exclusion of natives of the geographical zone described in said section 3. (Sec. 2, 57 Stat. 600)

Section 110.36 is amended to read as follows:

§ 110.36 *Nonquota status; by relationship to citizen or by former citizenship.* (a) An unmarried child under 21 years of age, or the wife, of a citizen of the United States, or the husband of a citizen of the United States by marriage occurring prior to July 1, 1932, shall not be regarded as a nonquota immigrant unless provided with an immigration visa duly issued by an American consular officer, designating the holder as such, and then only when the facts necessary to determine the particular status as a nonquota immigrant are established to the satisfaction of the examining immigration officer. The alien will be excluded if subsequent to issuance of the visa the alien has obtained a divorce from the citizen petitioner; or, if subsequently widowed, has remarried; or, if beneficiary is a child, has subsequently married. A person who is ineligible to citizenship or is a Chinese person as defined in § 110.35 of this part shall not be regarded as having a nonquota status solely because he bears one of the relationships to a citizen of the United States described in this paragraph.

(b) A woman, regardless of her race, who was a citizen of the United States and lost her citizenship by reason of her marriage to an alien, or the loss of United States citizenship by her husband, or by marriage to an alien and residence in a foreign country, and who has acquired no other nationality by affirmative act other than by such marriage, shall not be regarded as a nonquota immigrant unless provided with an immigration visa duly issued by an American consular officer, designating the holder as such, and then only when the facts necessary to determine the particular status as a nonquota immigrant are established to the satisfaction of the examining immigration officer.

(c) A person, regardless of his race, who was a citizen of the United States and also a national of a foreign state, and who lost his citizenship of the United States under the provisions of section 401 (c) of the Nationality Act of 1940 (54 Stat. 1169; 8 U.S.C. 801), and who claims that he is entering the United States for the purpose of recovering his citizenship, shall not be regarded as a nonquota immigrant unless provided with an immigration visa duly issued by an American consular officer designating the holder as such, and then only if the facts necessary to determine the particular status are established to the satisfaction of the examining immigration officer. (Secs. 4 (a), 4 (f), 9 (f), 23, 43 Stat. 155, 157, 165, 45 Stat. 1009, 46 Stat. 854, 47 Stat. 656, 50 Stat. 164; 8 U.S.C. 204 (a), 204 (f), 209 (f), 221; sec. 317 (c), 54 Stat. 1147; 8 U.S.C. 717)

Section 110.37 (a) is amended to read as follows:

§ 110.37 *Nonquota status on basis of former residence.* (a) An alien, regardless of his race, claiming to be a nonquota immigrant on the ground that he has previously been lawfully admitted to the United States and is returning from a temporary visit abroad shall not be admitted as such unless at the time of arrival he shall establish that he has previously been lawfully admitted for permanent residence, is returning from a temporary visit abroad, and presents such valid documents as may be necessary under the terms of an outstanding Executive order or orders prescribing documents required of aliens entering the United States, or a waiver of such documents has been granted by the Secretary of State under the circumstances present in his case.

The citation at the end of § 110.37 is amended to read as follows: "(Secs. 4 (b), 13 (b), 23, 43 Stat. 155, 161, 165; 8 U.S.C. 204 (b), 213 (b), 221; E.O. 8766, June 3, 1941, 6 F.R. 2741; sec. 2, 57 Stat. 600)".

Section 110.39 is amended to read as follows:

§ 110.39 *Nonquota status: by country of birth or by relationship to certain nonquota immigrants.* (a) An alien claiming a nonquota status because of birth in the Diminion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America shall not be regarded as a nonquota immigrant unless provided with an immigration visa duly issued by an Amer-

ican consular officer designating the holder as such, and then only when it shall be established to the satisfaction of the examining immigration official that he was born in one of the countries named or referred to in this paragraph. When such alien is accompanied by an alleged wife, or an unmarried child or children under 18 years of age, born elsewhere than in one of such countries, who seek admission as nonquota immigrants on the ground that the husband or parent was born in one of such countries, these claimed members of the family must also present immigration visas duly issued by an American consular officer, designating the wife or child or children as nonquota immigrants and satisfactory proof shall be required of the relationship asserted and the age of the child or children.

(b) When a wife, or child under 18 years of age, born elsewhere than in one of the countries named or referred to in paragraph (a) of this section, seeks to enter the United States as a nonquota immigrant because coming to join a husband or parent alleged to have been born in one of such countries, such wife or child must present an immigration visa duly issued by an American consular officer, designating the holder as a nonquota immigrant and shall establish to the satisfaction of the examining immigration official (1) that the claimed relationship actually exists; (2) that the child or children are under 18 years of age; (3) that such husband or parent was born in one of such countries; and (4) that such husband or parent has been lawfully admitted to the United States for permanent residence and resides therein.

(c) An alien who is ineligible to citizenship or is a Chinese person as defined in § 110.35 of this part shall not be regarded as having the nonquota status described in paragraphs (a) or (b) of this section. (Secs. 4 (c), 12 (a), 23, 43 Stat. 155, 160, 165; 8 U.S.C. 204 (c), 212 (a), 221; sec. 2, 57 Stat. 600)

Section 110.40 is changed to read as follows:

§ 110.40 *Nonquota status; ministers and professors; students.* (a) An alien, regardless of his race, who claims a nonquota status because for at least two years immediately preceding the time of his application for admission to the United States he has continuously been, and seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination or professor of a college, academy, seminary, or university shall not be regarded as a nonquota immigrant unless provided with an immigration visa duly issued by an American consular officer designating the holder as such, and then only when it shall be established to the satisfaction of the examining immigration officer that he has been, and seeks to enter the United States solely for the purpose of, so carrying on his vocation. When an alleged wife, or an unmarried child or children under 18 years of age accompany such an alien or follow to join him and seek admission as nonquota immigrants on the ground that the husband or parent is or was a nonquota immigrant as described in this section, these claimed members of the family must also present immigration visas duly issued by an American consular officer, designating the wife or child or children as nonquota immigrants on such ground and satisfactory proof shall be required of the relationship asserted and the age of the child or children.

(b) An alien, regardless of his race, claiming to be a nonquota immigrant on the ground that he is a student as defined in § 125.1 of this chapter shall not be regarded as a nonquota immigrant unless provided with an immigration visa duly issued by an American consular officer designating the holder as such, and then only when the facts necessary to determine his status as a student are established to the satisfaction of the examining immigration officer. (Secs. 4 (d), 4 (e), 23, 43 Stat. 155, 44 Stat. 812, 45 Stat. 1009, 43 Stat. 165; 8 U.S.C. 204 (d), 204 (e), 221; sec. 2, 57 Stat. 600)

Section 136.4 is amended to read as follows:

§ 136.4 *Forwarding appeal record.* The complete appeal record, including the immigration visa or permit to reenter the United States, and any brief or argument filed by the appellant, his attorney, or his representative shall be forwarded promptly to the Attorney General through the Commissioner of Immigration and Naturalization. The officer in charge shall in his discretion allow whatever time is reasonable, as indicated by the nature of the case, for the preparation and filing of briefs or arguments. (Sec. 17, 39 Stat. 887; 8 U.S.C. 153)

Section 165.1 is amended by designating the present text as paragraph (a); by deleting from said paragraph (a) the first word, which is "Any", substituting the words "Subject to the limitations described in paragraph (b) of this section, a"; and by adding paragraph (b) as follows:

(b) No Chinese person as defined in § 110.35 of this chapter is entitled to a nonquota or preference quota status solely because of his relationship to a citizen of the United States. A preference up to 75 per centum of the quota for the Chinese prescribed by section 2 of the Act of December 17, 1943 (Public Law No. 199, 78th Congress; Chapter 344, 1st Session, 57 Stat. 600) shall be given to Chinese persons born and resident in China. There are no other preferences in the issuance of immigration visas under the quota for the Chinese prescribed by section 2 of that Act. An alien who is a Chinese person as defined in § 110.35 of this chapter and who is seeking a preference in the issuance of an immigration visa under the said quota for the Chinese because of alleged birth and residence in China shall not be required to file an application for such preference with the Commissioner of Immigration and Naturalization but shall submit required proofs to the appropriate American consular officer. The quota for the Chinese authorized by section 2 of the said Act does not affect the quota of 100 prescribed for China by the President's Proclamation No. 2283, of April 28, 1938. Any citizen of the United States may proceed as described in paragraph (a) of this section in behalf of any relative, other than one who is a Chinese person as defined in § 110.35 of this chapter, who was born in China and is not ineligible to citizenship. (Sec. 9, 43 Stat. 157, 50 Stat. 164; 8 U.S.C. 209; sec. 2, 57 Stat. 600)

Section 350.1 is amended to read as follows:

§ 350.1 *Racial eligibility; general classes.* Except as otherwise provided in this part, naturalization under the provisions of the Nationality Act of 1940 is limited to white persons, persons of African nativity or descent, descendants of races indigenous to the Western Hemisphere, and Chinese persons or persons of Chinese descent. Whenever race is required to be designated in connection with any naturalization matter, such designation shall be made by the use of one or more of the following terms, except that where appropriate other terms may be used in cases within §§ 350.3, 350.4, or 350.5 of this part: White, African or African descent, Indian, Eskimo, Aleutian, Chinese or Chinese descent. (Sec. 303, 54 Stat. 1140, 57 Stat. 600; 8 U.S.C. 703)

Section 350.2 is amended to read as follows:

§ 350.2 *Persons of mixed racial bloods.* A person of mixed racial bloods, to be eligible to naturalization within the limitations of § 350.1 of this part, must be:

(a) A person who is of as much as one-half blood of the white race, African nativity or descent, a race indigenous to the Western Hemisphere, or a combination of any such races, and is not of as much as one-half blood of any other race or combination of races, or

(b) A person who is of as much as one-half Chinese blood and is not of as much as one-half blood of a race or races ineligible to citizenship. (Sec. 303, 54 Stat. 1140, 57 Stat. 600; 8 U.S.C. 703)

Section 350.5 is amended to read as follows:

§ 350.5 *Racial eligibility not required in certain classes of naturalization cases.* A child may acquire citizenship under section 313 or 314 of the Nationality Act of 1940 notwithstanding his race. A person may acquire citizenship under section 701 or 702 of the Nationality Act of 1940 notwithstanding his race. (Secs. 313, 314, 701, 702, 54 Stat. 1145, 56 Stat. 182; 8 U.S.C. 713, 714, 1001, 1002)

EARL G. HARRISON,
Commissioner.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 44-2106; Filed, February 12, 1944; 11:15 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5073]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HARRY FISCHER & COMPANY

§ 3.66 (a 7) *Misbranding or mislabeling—Composition—Wool Products La-*

beling Act: § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Composition—Wool Products Labeling Act.* In connection with introduction or manufacture for introduction into commerce, or the sale, transportation or distribution in commerce, misbranding coats and other articles of clothing, or other "wool products" as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", by failing to securely affix to or place on each of such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such product of any non-fibrous loading, filling, or adulterating matter; (c) the name of the manufacturer of such product; or the manufacturer's registered identification number and the name of a seller of such product; or the name of one or more persons introducing such product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce", is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; prohibited; subject to the provisos, however, (1) that when such product is composed in whole or in part of any of the specialty fibers named in section 2 (b) of the said act, the name of any specialty fiber present may be used in place of the word "wool" on the stamp, tag, label, or other means of identification affixed to such product, in identifying the percentage of the product composed of the specialty fiber named; (2) that when the name of a specialty fiber is used, such fiber shall not be described by any other name on said label or any other stamp, etc., attached to or affixed to such product; (3) that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and (4) that nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b; 54 Stat. 1128; 15 U.S.C., sec. 68) [Cease and desist order, Harry Fischer & Company, Docket 5073, January 31, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of January, A. D. 1944.

In the Matter of Harry Fischer and Joseph Fischer, Individually and as Copartners Trading and Doing Business as Harry Fischer & Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state they they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act and the provisions of the Wool Products Labeling Act of 1939:

It is ordered, That the respondents, Harry Fischer and Joseph Fischer, individually and trading as Harry Fischer & Company, or trading under any other name, and their representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution in commerce, as "commerce" is defined in the aforesaid acts, do forthwith cease and desist from misbranding coats and other articles of clothing, or other "wool products" as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said Act, by failing to securely affix to or place on each of such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such product of any nonfibrous loading, filling, or adulterating matter.

(c) The name of the manufacturer of such product; or the manufacturer's registered identification number and the name of a seller of such product; or the name of one or more persons introducing such product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool, Products Labeling Act of 1939.

Provided, however, That when such product is composed in whole or in part of any of the specialty fibers named in section 2 (b) of the Wool Products Labeling Act of 1939, the name of any specialty fiber present may be used in place of the word "wool" on the stamp, tag, label or other means of identification affixed to such product, in identifying the percentage of the product composed of the specialty fiber named: *And provided, further*, That when the name of a specialty fiber is used, such fiber shall not be described by any other name on said label or any other stamp, tag, label or other means of identification attached to or affixed to such product.

Provided, further, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; *And provided, further*, That nothing contained in this order shall be construced as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-2145; Filed February 14, 1944; 11:08 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

[Cumulative Supp. 5, Rev. VI]

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Administrator of Foreign Economic Administration, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), Cumulative Supplement 5 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision VI of October 7, 1943 (8 F.R. 13883), is hereby promulgated.[1]

By direction of the President:

E. R. STETTINIUS, Jr.,
Acting Secretary of State.
RANDOLPH PAUL,
Acting Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
LEO T. CROWLEY,
Administrator,
Foreign Economic Administration.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

FEBRUARY 11, 1944.

[F. R. Doc. 44-2120; Filed, February 12, 1944; 12:13 p. m.]

[1] Filed with the Division of the Federal Register in The National Archives. Requests for printed copies should be addressed to the Federal Reserve Banks or the Department of State.

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Camp Order 133]

OHIO AGRICULTURAL EXPERIMENT PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

1. That the Ohio Agricultural Experiment Project is designated as work of national importance, to be known as Civilian Public Service Camp No. 133. Said project, located at Wooster, Wayne County, Ohio, will be the base of operations for farm work in the State of Ohio, and registrants under the Selective Training and Service Act, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV–E, may be assigned to said project in lieu of their induction for military service.

2. That the work to be undertaken by the men assigned to said project will consist primarily of farming operations and care of livestock and shall be under the technical direction of the Ohio Agricultural Experiment Station. The camp, insofar as camp management is concerned, will be under the same institution. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Service Act and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Office of the Assistant Director of Selective Service in charge of Camp Operations.

LEWIS B. HERSHEY,
Director.

FEBRUARY 11, 1944.

[F. R. Doc. 44–2127; Filed, February 12, 1944; 3:48 p. m.]

REGISTRATION CERTIFICATE, ETC.

ORDER PRESCRIBING FORMS

[No. 241]

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Addition of a new form designated as DSS Form 2–F, entitled "Registration Certificate," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

Addition of a new form designated as DSS Form 40–F, entitled "Additional Instructions to Registrants Outside the United States," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

Addition of a new form designated as DSS Form 150–F, entitled "Order to Report for Induction—Special," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

Addition of a new form designated as DSS Form 215–F, entitled "Order to Report—Preinduction Physical Examination—Special," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing additions shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

FEBRUARY 11, 1944.

[F. R. Doc. 44–2129; Filed, February 12, 1944; 3:48 p. m.]

[1] Filed as part of the original document.

PART 618—REGISTRATION OUTSIDE CONTINENTAL UNITED STATES, ALASKA, HAWAII, AND PUERTO RICO

[Amendment 211, 2d Ed.]

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended as follows:

1. Amend the center heading preceding § 618.11 to read as follows: "Action by Local Boards in Continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States."

2. Amend § 618.11 to read as follows:

§ 618.11 *Registrant's serial and order numbers to be assigned and records to be completed by local board receiving Registration Card (Form 1–F).* (a) When a local board in the continental United States, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands of the United States receives a Registration Card (Form 1–F), it shall check the address given on line 2 to determine if it has jurisdiction.

(b) If the local board determines that it has jurisdiction of the registrant, it shall:

(1) Transcribe from the Registration Card (Form 1–F) to an appropriate colored Registration Card (Form 1) all information needed to complete the Registration Card (Form 1), including placing the name of the registrant and the name of the registrar on the lines provided for their respective signatures;

(2) Prepare a Registration Certificate (Form 2–F) from the information contained on the Registration Card (Form 1–F). The date on which the registrant was registered as certified at the bottom of the reverse side of the Registration Card (Form 1–F) shall be inserted as the date of registration on the face of the Registration Certificate (Form 2–F). When the Registration Certificate (Form 2–F) has been completed it shall be signed by a member or clerk of the local board and mailed to the registrant at his present mailing address as given on line 3 of the Registration Card (Form 1–F): *Provided*, That if such mailing address is outside of the continental United States, the Territory of Hawaii, the Territory of Alaska, Puerto Rico, the Virgin Islands of the United States, Canada, Cuba, and Mexico, such certificate shall be mailed to the Director of Selective Service, Washington 25, D. C.

(3) If the local board is in the Virgin Islands, it will assign a serial and order number to the registrant in the manner directed by the Director of Selective Service.

(4) If the local board is outside the Virgin Islands, it will assign a serial and order number to the registrant and make entries in the local board records in the manner prescribed for late registrants in §§ 616.21 to 616.43, inclusive.

(5) File the Registration Card (Form 1) in the appropriate alphabetical file and the Registration Card (Form 1–F) in the registrant's Cover Sheet (Form 53).

(c) If the local board determines that it does not have jurisdiction over the registrant, it shall return the Registration Card (Form 1–F) to the State Director of Selective Service for transmittal to the proper local board.

The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

FEBRUARY 9, 1944.

[F. R. Doc. 44–2128; Filed, February 12, 1944; 3:48 p. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 31]

ASSIGNING RATINGS TO MILITARY CONTRACTS

§ 903.44 *Directive 31.* (a) The Army or Navy or any other government agency which is authorized to issue PD–3A preference rating certificates rating deliveries to or for the account of the agency may, instead of issuing the certificates, assign the preference rating by placing it on the purchase order or contract and endorsing the order or contract with a certification substantially as follows:

By authority of the War Production Board the preference ratings indicated are assigned to the deliveries on this purchase order or contract.

(b) The certification may be placed on a purchase order or contract by means of a rubber stamp or printed on the order or contract form. The certification need not be signed separately if the purchase order or contract is signed by an official who is authorized to assign ratings on behalf of the agency which is placing the order or contract.

(c) All provisions applicable to Form PD–5A including War Production Board approval of certain ratings required by Directive 23 shall be applicable to contracts and purchase order forms rated under this Directive.

(d) Any delegations of authority to rate purchase orders or contracts without the use of PD–3A certificates previously issued individually to any Service of the Army or Bureau of the Navy are hereby revoked and superseded by this directive.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696)

Issued this 10th day of February 1944.

J. A. KRUG,
Program Vice Chairman.

[F. R. Doc. 44–2093; Filed, February 11, 1944; 4:32 p. m.]

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 3284—BUILDING MATERIALS [1]

[Limitation Order L–303 as Amended Feb. 10, 1944]

STEEL INSECT SCREEN CLOTH

The fulfillment of requirements for the defense of the United States has created a shortage of materials, manpower and transportation for the manufacture and delivery of steel insect screen cloth for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3284.26 *General Limitation Order L–303*—(a) *Definitions.* For the purpose of this order:

(1) "Steel insect screen cloth" means a fabric of woven steel wire designed and constructed primarily for installation in an opening or passageway of a building or structure for the purpose of preventing the entrance of insects.

(2) "Producer" means a person who weaves steel insect screen cloth.

(3) "Dealer" means any person who buys steel insect screen cloth direct from a producer for sale in full rolls or cut lengths.

(4) "Screen manufacturer" means any person who buys steel insect screen cloth direct from a producer or dealer for the purpose of manufacturing window screens or screen doors.

(b) *Simplification and standardization.* (1) On and after December 28, 1943, no producer shall weave or fabricate any steel insect screen cloth except in conformity with the type, mesh, finish, diameter and widths established by Schedule I of this order.

(2) Notwithstanding the provisions of paragraph (b) (1) above, steel insect screen cloth may be woven or fabricated with a finer mesh or diameter wire than that specified in Schedule I if such cloth (or window screens or screen doors made therefrom) is required to fill an order for delivery (i) to or for the account of an agency or government named in § 944.1, paragraph (b) (1) or (b) (2) of Priorities Regulation 1, or (ii) under an export license issued by the Foreign Economic Administration.

(c) *Producers must disregard certain ratings.* Producers must disregard any preference rating of AA–3 or lower borne by any order for steel insect screen cloth unless (1) the order is one of the kinds designated in paragraph (b) (2) of this order, or (2) the order is for screen cloth which is to be used in a project approved by the National Housing Agency (the order must carry some identification showing that the screen cloth will be used in a project approved by the National Housing Agency). Orders bearing preference ratings which must be disregarded under this rule must be treated as unrated orders, and should be filled in accordance with the equitable distribution provisions of paragraph (d).

NOTE: Paragraphs (d) through (i), formerly (c) through (h), redesignated Feb. 10, 1944.

(d) *Equitable distribution.* It is the policy of the War Production Board that steel screen cloth produced for essential civilian uses shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filling of orders as between persons who meet the producer's regularly established prices and terms of sale or payment.

Under this policy every producer of steel screen cloth, as far as practicable, should make available an equitable proportion of his merchandise to his customers periodically without prejudice because of their size, location or relationship as affiliated outlets.

It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If observance of the policy outlined is inadequate to achieve equitable distribution or supply essential civilian needs the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction will be deemed a violation.

(e) *Reports.* Fifteen days after December 13, 1943 and, thereafter, fifteen days before the beginning of each quarter (beginning April–June, 1944) each producer of steel insect screen cloth shall file by letter a summary of his proposed shipping schedule covering dealers and screen manufacturers for that quarter. Each producer's shipping schedule shall show separately the aggregate quantity of screen cloth he proposes to ship to dealers and the aggregate quantity proposed for shipment to fill screen manufacturers' orders. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particluar provision appealed from and stating fully the grounds for the appeal.

(h) *Applicability of regulations.* This order and all transactions affected by it are subject to all applicable regulations of the War Production Board as amended from time to time.

(i) *Routing of correspondence.* All communications concerning this order shall be addressed to the War Production Board, Building Materials Division, Washington 25, D. C. Ref: L–303.

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I

Type wire	Mesh (per inch)	Finish	Diameter of wire [1]	Widths [2]
Low carbon	12	Painted	.0110	24", 26", 28", 30", 32", 36", 42", 48"
Steel	16	Painted or galvanized	.0110	24", 26", 28", 30", 32", 36", 42", 48"

[1] Two different sizes of warp and filler wires, approximately the same, having the average diameter of .0110 inch, shall be permitted. Permissible tolerance in wire diameter shall be .0005 inch.

[2] Non-conforming widths are permitted to fill an order or orders for a minimum production run of not less than 4000 linear feet of any one width.

[F. R. Doc. 44–2094; Filed, February 11, 1944; 4:32 p. m.]

PART 933—COPPER

[Conservation Order M–9–c as Amended Jan. 22, 1944, Amdt. 1]

The first sentence of § 933.4 paragraph (g) (2) of Conservation Order M–9–c is hereby amended to read as follows:

(2) *Insect screening.* This order does not restrict the delivery, installation or cutting of (i) used or second hand insect screening, (ii) insect screening in any roll which was initially cut before April 10, 1942, or (iii) insect screening in rolls which have been rejected by Copper Recovery Corporation or Metals Reserve Company, or their agent, before February 12, 1944 for any reason, or on or after that date for the reason stated in writing that the screening does not meet the specifications of the government buying program.

Issued this 12th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2099; Filed, February 12, 1944; 11:11 a. m.]

[1] This document is a restatement of Amendment 1 to L–303 as Amended December 13, 1943, which appeared in the FEDERAL REGISTER of February 11, 1944, page 1618, and reflects the order in its completed form as of February 10, 1944.

PART 1075—CONSTRUCTION

[Limited Preference Order P–55–c]

HOUSING CONSTRUCTION

§ 1075.13 *Preference Rating Order P–55–c*—(a) *Purpose and scope of order and authorization.* This order applies only to persons who have received approval of an application for a housing project as provided below. For the persons who have received this approval, it is an authorization for residential construction under Conservation Order L–41 and it assigns a preference rating and an allotment symbol for material necessary for housing construction. It covers all residential construction except: (i) Farm construction; (ii) construction of the Federal Public Housing Authority; (iii) residential construction built under a Petroleum Administrative Order of the Petroleum Administration for War; and (iv) construction of hotels and apartments for six or more families not providing additional living quarters for war workers. Residential construction includes new construction, conversion, remodeling and rehabilitation. Priorities assistance for maintenance and repair of residential property is also provided by this order.

This order also applies to housing construction previously authorized under an application on Form WPB–2896 as explained in paragraph (g) below.

(b) *Method of obtaining authorization of housing applications.* Any person who wishes to construct a housing project should apply on Form WPB–2896. If the housing project qualifiies for approval, the application will be approved either by the National Housing Agency or the War Production Board.

(c) *Authorization of housing construction.* Approval of the application constitutes War Production Board authorization of the housing project under Conservation Order L–41. The authorization includes only the buildings, structures, roads and other construction work specifically listed and approved on Form WPB–2896, and is subject to the following conditions and directions:

(1) *Cancellation of authorizations on buildings not begun on time.* If work on the building site preparatory to construction is not begun within sixty days of the approval of the project on WPB–2896, the agency which approved the application may cancel the authorization by giving written notice to the owner. Whatever buildings in the total authorized project have not been commenced by physically incorporating material into them by the last starting date specified in the construction schedule of the application will also be subject to cancellation in the way set forth above. These provisions do not preclude cancellation for any other reason. No person shall begin or carry on the construction of any building affected by a cancellation, and no person shall deliver or accept delivery of any material ordered for use in the construction of any building affected by a cancellation.

(2) *Utilities connections.* The builder must not begin construction of a housing project which requires the extension of utility or sewer lines unless both the builder and the utility operators are authorized to make the extensions. In any case where the applicable order of the U series (water, gas, and electricity) or P–141 (sewers) does not require specific authorization, then all required certifications must have been filed.

(3) *Restrictions on use of materials.* The builder must not incorporate any material into the housing project except of the kinds and minimum quantities needed for the project and permitted both by the War Housing Critical List and the War Housing Construction Standards (Schedules I and II to this order). If any schedule is amended after the housing project is approved, the builder may comply with any of the provisions of the schedule as amended or the schedule as in effect at the time the housing project was approved, as he may elect.

(4) *Liability of owner.* The owner and any other person who holds or later acquires any beneficial interest in the housing project or any part of it, must abide by all the representations, certifications and promises made by the owner in the application, except to the extent he is relieved by regulation or order of the National Housing Agency or the War Production Board.

(d) *Assignment of preference ratings and allotments.* It is not necessary to show on Form WPB–2896 the quantity of controlled material or to list products and equipment needed for the housing project. If the application is approved, the builder may use the allotment symbol of H–1 or S–2 (whichever is shown on the application as approved) and a preference rating of AA–3 to get materials permitted by the War Housing Critical List and needed to complete the project. Neither the owner nor the builder shall order or accept delivery of any material prohibited for incorporation in the project by subparagraph (c) (3) above.

(e) *Use of allotment symbol.* (1) The allotment symbol may be used to order controlled materials and Class A products by:

(i) The builder;

(ii) Manufacturers of Class A products or Class A components of Class A products to be incorporated in the project;

(iii) Contractors and subcontractors doing all or any part of the construction work.

The builder must not use the allotment symbol or give others the right to use it before his application is approved. A manufacturer, contractor or subcontractor may not use it or give others the right to use it unless he has received a statement in substantially the following form endorsed on the order or contract by the person placing it, signed manually or in the way explained in Priorities Regulation No. 7:

Serial No. (identifying project)_____ You are authorized to use the allotment symbol _____ to order controlled materials and Class A products needed to fill this order or contract.

It is not necessary to show the quantities of controlled materials in this statement. Its use shall constitute a representation by the person signing it to the person with whom the order or contract is placed, and to the War Production Board, subject to the penalties of section 35–a of the United States Criminal Code that he has the right to authorize the person with whom the order or contract is placed to use the allotment symbol to fill the order or contract. The standard form described in Priorities Regulation No. 7 cannot be used instead of the above statement.

(2) The preference rating may be used to order all materials other than controlled materials. If an applicant, contractor or subcontractor orders a Class A product the certificate described in Priorities Regulation 7 must be used in addition to the statement set forth in paragraph (d) (1) above. If a contractor or subcontractor needs a preference rating to buy materials the rating may be given him by use of the certificate set forth in Priorities Regulation 7. In using the rating to buy all products and materials other than controlled materials or Class A products the certificate in Priorities Regulation 7 must be used and the allotment symbol must be used along with the preference rating for purposes of identification.

(3) Each person using the allotment symbol or preference rating must maintain at his regular place of business for a period of two years records of the right to use the allotment symbol or preference rating, records, kept by serial number identifying the project, of the amount of controlled materials ordered with the allotment symbol or rating and showing that the materials so ordered were used for the purpose for which the right to use the symbol or rating was granted.

(4) The use of the allotment symbol assigned by this order will not be limited to any particular month or quarter and, therefore, no quarterly identification need be shown when using it. Authorized controlled material orders must, however, show the month in which delivery is requested. The allotment symbol or preference rating may not be used in placing authorized controlled material orders after the scheduled completion date of the project but delivery after such date may be specified on orders placed before then.

(5) The allotment symbol and preference rating must not be used to order controlled materials in greater quantities or on earlier dates than needed for the construction. It may be used not only to order materials needed for the construction but also to replace in inventory materials used for construction. Attention is called to CMP Regulation No. 2 which places a restriction on inventories of controlled materials which must be complied with.

(6) A person who has the right under this order to use an allotment symbol in ordering controlled materials must endorse the symbol on his purchase order and the form of certification set out in CMP Regulation No. 7, signed manually

or in the way explained in Priorities Regulation No. 7. An order so endorsed is an authorized controlled material order (i) if it is a "delivery order" as defined in paragraph (b) (9) of CMP Regulation No. 6, (ii) if it is in sufficient detail to permit entry on mill schedules and (iii) if, when placed with a controlled materials producer, it is received by the lead time specified in Schedule III of CMP Regulation No. 1, or at such later time as the controlled materials producer may find it practicable to accept the same.

(f) *Applicability of War Production Board orders and regulations.* This order and all transactions affected by it are subject to the applicable provisions of all regulations and orders of the War Production Board. When any such order excepts from its restrictions any person to whom an order in the P–55 series has been issued, the exception shall include any person who is authorized to build by this order.

(g) *Projects previously authorized.* Where a housing project has been previously authorized by the War Production Board and the authorization is still in effect, the owner may construct the project under the provisions of the authorization he received or, at his election, under the provisions of this order. If he elects to construct under this order he should maintain the construction schedule in the CMP–H–1, if any; otherwise he should maintain the construction schedule in his application form. The authorization to construct any such project may be cancelled under paragraph (c) (1).

(h) *Appeals.* Any builder who considers that the provisions of this order or the schedules to it would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board (by letter) setting forth the facts and the reasons why he considers he is entitled to the relief requested. This appeal should be addressed to the War Production Board and filed with the office which approved the application.

(i) *Violations.* Any person who wilfully violates any provisions of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control, and may be deprived of priorities assistance by the War Production Board and may be denied permission to begin construction under General Conservation Order L–41.

(j) *Definitions.* (1) "Owner" means the person in whose name the application was filed.

(2) "Builder" means the owner and any building contractor or subcontractor with whom the owner has placed a contract pursuant to which such contractor or subcontractor has agreed to furnish material.

(3) "Housing project" means the house, or houses, and its appurtenant buildings and related construction described in the owner's application as approved. This also includes projects converting any structure to residential use.

(4) "Application" means the owner's application on Form WPB–2896 as approved.

(k) The effective date of this order is March 1, 1944.

Issued this 12th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2103; Filed, February 12, 1944; 11:11 a. m.]

PART 1075—CONSTRUCTION

[Limited Preference Rating Order P–55–c, Schedule I]

WAR HOUSING CRITICAL LIST

§ 1075.16 *Schedule I to Preference Rating Order P–55–c.* Only the following kinds and quantities of materials may be used in housing construction, and they may be used only for the purposes permitted in the following list. The preference rating and allotment symbol assigned by P–55–c may be used to get materials except where otherwise provided.

100 GENERAL PROVISIONS:

111 The War Housing Critical List is a list of materials permitted for use in housing projects. Non-metallic products and materials not listed herein or used as substitutes for material or products listed herein and required for the completion of authorized housing projects are permitted for purchase and installation subject to applicable CMP and priorities regulations and limitation orders of the War Production Board.

112 Materials and products of metal or metallic content not listed herein but available from existing inventories are permitted for purchase and installation in housing projects only when listed in Appendix A hereof.

113 War Housing Construction Standards restricts the type and size of dwelling structures that may be built for war housing. These Standards may include limitations on the use of certain materials of a critical nature not contained in this list. These standards are set forth in Schedule II.

114 This list is based upon the critical positions, at the time this list is issued, of materials essential to the construction and equipment of housing, and is subject to revision by the War Production Board whenever warranted by a change in the critical positions of the materials included herein.

115 Elevators and escalators including equipment and accessories, are not permitted for housing projects except under specific authorization of the War Production Board, Washington, D. C.

116 In some cases in this list, the use of certain material is permitted only where other substitute materials are not obtainable or available. For this purpose, material may be considered unobtainable or unavailable only when at least three dealers or suppliers (if there are less than three contact shall be made with all) who ordinarily distribute the specified material in the locality have indicated their inability to make delivery on the required date or by the date on which the material for which it is a substitute can be secured. The builder must be in a position to show that he has made these investigations.

200 GENERAL BUILDING CONSTRUCTION:

210 Reinforced concrete and reinforced masonry items permitted for structures, utilities, and land development construction are:

211 Reinforcing steel bards, wire mesh or fabric, tie wire and accessories except that:

(a) When the amount of reinforcing steel used in the project, including mesh or fabric, approved for a project exceeds 10 tons, the designer is required to certify that the concrete design is in accordance with the W. P. B. Directive No. 9, National Emergency Specification for the Design of Reinforced Concrete Buildings.

212 Prefabricated reinforced concrete or reinforced masonry structural products, such as lintels, joists and slab units.

213 Open web steel bar type joists, except when made from sheet products.

214 Rib type metal lath not exceeding 5.4 #/sq. yd. as combination form and reinforcement limited to concrete slabs supported on precast joists or open web steel bar type joists.

220 Miscellaneous Steel & Iron:

221 Anchors, dowels, cleats, timber connectors, bolts, and tie rods with nuts and washers.

222 Plates for framing trusses.

223 Hangers or angle clips for joists, headers and trimmers.

224 Fireplace dampers—cast iron.

225 Foundation vents—cast iron.

226 Railings, handrails, and stair nosings—Wrought and malleable iron not permitted.

227 Special fastenings and locking devices for assemblage of prefabricated houses.

228 Structural steel framing and lintels—When a project employs the use of more than ten tons of structural steel, the designer shall certify that the design is in accordance with War Production Board Directive No. 8, "National Emergency Specifications for the Design, Fabrication and Erection of Structural Steel for Buildings."

229 Structural steel bucks for fire door openings.

230 Fire escapes and metal stairs—use of iron sheet and steel sheet not permitted, plates permitted only to minimum extent required for connections.

240 Insect screen cloth—painted or galvanized steel (in non-metallic frames only)—for doors, windows and vents; only half screens for double-hung windows; no porch screen permitted.

241 Weatherstripping—zinc or ferrous metal.

250 Fire doors, including frames and trim for openings to fire stairs, fire walls, heater rooms, trash rooms, and paint storage rooms in multifamily and dormitory structures—doors wood cored with non-metallic coated ferrous sheet metal covers not heavier than No. 24 gauge.

260 Sheet metal:

261 Fittings, fastenings, hangers and cleats—ferrous metal, zinc or lead coating permitted.

262 Solder containing not more than 30 percent of tin by weight.

263 Flashings—ferrous sheet metal not heavier than No. 24 gauge, zinc or lead coating permitted; or lead.

264 Gutters and downspouts—ferrous metal not heavier than No. 24 gauge, zinc or lead coating.

265 Wire basket strainers for downspouts connected to sewer lines—ferrous metal, zinc or lead coating.

266 Scuppers and downspout connections for flat roofs—ferrous sheet metal not heavier

than No. 24 gauge, zinc or lead coating; or lead.

267 Gravel stops for flat roofs—ferrous metal not heavier than No. 24 gauge, zinc or lead coating; or lead.

268 Metal corners for wood and asbestos siding when made from waste wasters, zinc or lead coating permitted.

269 Termite shields—ferrous metal not heavier than No. 24 gauge—zinc coating permitted.

270 Lath and Accessories:

271 Lath—ferrous metal lath as base for ceramic tile, soffits of wood stairs, wood framed ceilings of heater rooms in multi-family structures two stories and over in height, and as plaster base for remodeling and conversion projects.

272 Corner and joint reinforcing—ferrous metal lath in strips not wider than 5 inches. Limited to internal angles and for reinforcement at joints between different kinds of plaster base.

273 Corner beads—for vertical external angles only—zinc coated.

274 Fastenings for non-metallic lath and interior finish—ferrous metal.

275 Exterior stucco fabric or wire mesh, weighing not more than 2 pounds per square yard (metal weight)—ferrous metal, zinc coated—permitted only in the states of Texas, New Mexico, Arizona, Nevada, Utah and California.

276 String wire for stucco fabric or mesh.

277 Nails, staples, and tie wire for items under 270.

280 Lumber and Lumber Products: General restrictions. The use of dimension lumber shall not exceed the amounts permitted by the current War Housing Construction Standards or any subsequent revision thereof. Lumber for housing projects shall, insofar as possible, be restricted to available species and grades, the supply of which is most conveniently located to the project. In project facilities, structural grades of lumber may be used for roof trusses.

281 Framing lumber (dimensions)—2" nominal size or thicker, shall be spaced not less than as permitted by the FHA—Minimum Construction Requirements and sizes shall not be greater than indicated by these requirements. Where members thicker than 2" are required, such members shall be solid timbers or built up of sizes 3" or thicker, except that 2" sections are permitted if thicker sections are not obtainable.

282 Boards are permitted except for:

a. Wall sheathing (wood stripping not larger than 1" by 3" is permitted for support of side wall shingles).

b. Roof sheathing where pitch of roof is less than 3 in 12.

283 Shingles—wood shingles are prohibited except:

a. for roof surfaces where composition or asbestos shingles are not obtainable.

b. for repairs of not to exceed 25 percent of the existing wood shingled surfaces in conversion projects.

284 Concrete forms—new lumber, and ply-form grade of plywood may be used only where used lumber or existing prefabricated wood or metal forms are not available. Forms of new lumber shall be subject to the following:

a. Maximum re-use in form work and in project construction.

b. For wall construction only where reinforced concrete is required for resistance to hydrostatic pressure or where masonry units are not available.

No form work is permitted for footage except where required by soil conditions.

c. Plywood or hardboard is not permitted for form lining.

285 Flooring—Hardwood or softwood—as available.

286 Wood siding—of available species and grades.

287 Millwork—shop fabricated millwork and lumber for job fabricated millwork permitted.

288 Wood lath—as available.

289 Plywood—is prohibited except as follows and may be used only when secured in accordance with the provisions of WPB Order L–150 or L–150A:

(a) Exterior type (phenolic resin bonded) permitted for surfaces of prefabricated wall and roof panels exposed to weather and prefabricated floor panels for shop or job prefabricated houses and for stressed members (flanges, webs, gusset plates, etc.)

(b) Plyform grade—as permitted under 284.

(c) Moisture resistant type:

1. Stressed members (flanges, webs, gusset plates, etc.).

2. Prefabricated wall, roof, floor, ceiling and partition panels for shop or job site prefabricated buildings.

3. For finish flooring without subflooring where conventional wood flooring is not obtainable.

4. For doors, exposed panels, and drawer bottoms of kitchen cabinets.

5. Counter tops.

6. Interior partitions built of one thickness of plywood with both faces exposed.

7. Shelving for purposes where metal would normally be used.

8. Underlayment for linoleum and composition flooring in kitchens, baths, toilet rooms and entrance vestibules without finish flooring of wood.

9. Air ducts.

10. For other purposes only when specifically approved by the War Production Board.

290 Builders and Cabinet Hardware:

291 Finish hardware—as available in existing stocks or as permitted for manufacture by WPB Order L–236 Schedule I as amended. One pair of butts per door only except fire doors and 1¾" entrance doors which may have 1½ pair. Door closers as limited by Order L–236 above noted. Hangers and tracks for garage doors not permitted.

292 Fittings for wood venetian blinds.

293 Window shade fixtures.

294 Handrail brackets.

295 Wire nails and staples—ferrous metal, uncoated or nonmetallic coated; zinc coating permitted only when nails or staples are used for roof covering, exterior sheet metal work, exterior sidewall finishes, and wall ties.

296 Cut nails, tacks, and screws—ferrous metal.

297 Wall ties—ferrous metal, zinc coating permitted.

298 Glazing points—zinc or ferrous metal.

300 ELECTRICAL INSTALLATIONS:

310 Outlets—The number of outlets permitted for fixtures, switches and convenience outlets for each dwelling unit shall not exceed those listed below for the locations designated. Any combination of these installed in one outlet box or in a fixture, count as one outlet. Two outlets or combinations installed back to back in a partition shall count as one outlet when the additional wire used is not more than two feet.

a. Hall	1
b. Bath, exterior entrance, attic (including stair) utility room	2 each
c. Dining room or dinette, kitchen, stair in two story structure, basement (including stair) and each bed room	3 each
d. Living room	4
e. Yard lighting—as required for public safety.	
f. Special purpose outlets as required for immediate use.	
g. Multi-family structures—service entrance, hall, attic and basement outlets as required.	

311 Wiring and wiring devices for mechanical equipment and controls operated by electricity, permitted only to the extent that the installation of such equipment or controls is herein permitted for war housing. Outlets or wiring for future installations of electric range, electric water heater or mechanical equipment are not permitted.

320 Service entrance:

321 Non-metallic sheathed entrance cables, except that electrical metallic tubing in sizes ½" to 2" inclusive and rigid metallic conduit in size larger than 2" may be used.

a. Where non-metallic sheathed entrance cable is not available.

b. Where service entrance is installed outside on the exterior wall of a structure and such installation is subject to mechanical injury and is required by paragraph 2332 of the National Electrical Code.

322 Moisture-resistant cables only for underground installations in non-metallic service raceways—lead or other non-metallic sheathing.

323 Service cable heads.

324 Service equipment, panel boards, and enclosures—Copper or copper alloy permitted only for current carrying parts. Over-current devices may be fuse or circuit breaker type, thermal or magnetic.

330 Interior wiring:

331 Covered neutral cable.

332 Insulated single conductors.

333 Non-metallic sheathed cable.

334 Non-metallic service cable—for range and domestic water-heater circuits and for feeders from a master-service cabinet to supply other structures. Wiring not permitted for future installations.

335 Flexible metallic conduit and BX—for necessary flexible connections (not longer than 12 feet) from metallic conduit systems to current consuming devices or control equipment and for protection against mechanical injury for such connections to any type of wiring systems.

336 Electrical metallic tubing (thin wall)—ferrous metal, enameled, lead or zinc coated; permitted where it is essential to embed wiring in masonry or concrete and outside on exterior wall of structures where conductors are subject to mechanical injury (see 321) or for connections as provided in 335.

337 Rigid metallic conduit:

a. In sizes over 2"—permitted where it is essential to embed wiring in masonry.

b. In sizes over 2"—permitted on exterior wall of structure where entrance service is subject to mechanical injury (see 321).

c. In all sizes in hazardous locations—classes I to IV inclusive as defined by 1940 National Electrical Code.

338 Conductors and metallic conduits shall be the minimum sizes permitted by the 1940 National Electrical Code as amended. Rubber or synthetic rubber insulation is not permitted for open wiring (individual exposed wiring on cleats) in dry locations or for solidly grounded conductors.

340 Outlet boxes—Metallic or non-metallic. Metallic boxes are not permitted where non-metallic boxes are available and the use of non-metallic boxes is practicable.

341 Pull boxes and cabinets.

350 Plates and wiring devices, such as convenience and special purpose receptacles, switches and outlet-box lamp holders.

360 Fittings:

361 Clamps, lock-nuts, connectors, bushings, and nipples—ferrous metal.

362 Hangers, straps, supports, sleeves, and fastenings—ferrous metal.

363 Cable connectors—copper and copper base alloy for current carrying parts only.

370 Solder—containing not over 21% tin, for current carrying connections, only to the extent that solderless connectors containing no copper are impracticable.

380 Lighting fixtures—as available. Fluorescent lighting not permitted.

390 Low-tension communication assemblies—wiring, low-tension transformers, bells and buzzers. One bell or buzzer permitted for each dwelling unit located on the second floor or above and having an individual private stair leading from a private entrance at the street level. Private telephone systems are not permitted.

400 PLUMBING AND GAS DISTRIBUTION:

410 General:

411 Permitted quantities of materials are limited to those necessary to meet minimum requirements of the current Emergency Plumbing Standards for Defense Housing.

412 The number of fixtures permitted to be installed in each family dwelling unit shall be limited to the following: 1 bathtub or stall shower, shower over bathtub permitted; 1 lavatory; 2 water closets with flush tanks; 1 kitchen sink or 1 combination sink and laundry tray (either 1 or 2 piece); 1 laundry tray, single or double compartment; 1 slop sink for each service room in multi-family structures.

420 Fixtures, fixture fittings and trimming—as currently available—ferrous metal or non-metallic.

430 Sanitary drainage system:

431 Cast iron soil pipe and fittings, cast iron screw pipe and fittings, cast iron floor drains.

432 Steel or wrought iron pipe; cast iron screw pipe fittings—malleable only when available from local stocks—zinc coating permitted.

433 Lead pipe, fittings, bends, traps, cleanout plugs, ferrules, and solder nipples. Copper or copper base alloy not permitted for fittings, except ferrules and solder nipples. Wiping solder containing not more than 32½ per cent of tin by weight.

434 Caulking lead.

435 Flashing—ferrous sheet metal not heavier than No. 24 gauge; zinc lead coating permitted; or lead. Shower pans and pans under non-metallic bathtubs—lead only.

436 Hangers, supports and fastenings—ferrous metal.

437 Sump pump or ejector assemblies.

438 Oakum or substitutes for oakum.

439 Septic tanks (sewage disposal)—non-metallic materials only.

440 Water supply:

441 Pipe—steel or wrought iron, lead or non-metallic zinc, lead or non-metallic coating, cement lining permitted.

442 Pipe fittings—ferrous metal, lead or non-metallic, zinc, lead or non-metallic coating or cement lined permitted. Brass fittings for repair and maintenance, if at least one end of the fitting is connected to copper or copper base alloy pipe or tubing installed prior to July 22, 1942. Brass solder nipples, ferrules, and wiping solder containing not more than 38% of tin, permitted.

443 Valves and cocks—including relief and pressure reducing valves—iron bodies—brass bodies for sizes 2" and smaller. Sill cocks—2 for each dwelling unit in single family structures of detached, semi-detached, or row type; 1 for each 100 feet of perimeter of multi-family structures, with at least 2 permitted for each structure.

444 Hangers, supports, and fastenings—ferrous metal.

445 Wells (see 721).

4451 Pressure tanks—not more than one for each well—ferrous metal, zinc coating optional.

450 Domestic water heaters, control equipment and storage tanks, as currently available. Water heaters and control equipment requiring for their operation a fuel, the use of which is prohibited in the project locality, by the Federal Agency controlling fuel consumption, are not permitted.

451 Vents or flues for water heaters—according to 580.

452 Storage tanks—tank capacity based on number of dwelling units served shall not exceed the following for gas, oil, or coal fired heaters.

1 dwelling unit—30 gallons, except that underfired gas storage tank type is limited to 20 gallons for single family unit.

2 dwelling units—40 gallons.

3 or 4 dwelling units—66 gallons.

5 or 6 dwelling units—82 gallons.

7 or 8 dwelling units—120 gallons.

9 or more dwelling units—15 gallons per dwelling unit.

453 Electric water heaters—as available under Order L–65—may be used only where permitted by the approving Agency. Application for permission may be made with the project application (WPB–2896) by accompanying letter. Permission will not be granted unless electric ranges are permitted and approved under 612 and

(a) there is no basement or utility room in the structure, or

(b) there is not an assured supply of fuel oil or coal suitable for domestic water heaters.

470 Water softeners—may be used only where permitted by the approving Agency. Application may be filed by letter with the project application (WPB–2896) or at the War Production Board District Office but will be approved only when application is accompanied by sufficient justification.

480 Gas distribution:

481 Gas piping shall be installed only where gas fuel is available, as determined by current war emergency regulations, and shall not be greater in size and quantity than the minimum necessary to supply gas fired equipment permitted and installed under these same regulations.

482 Pipe, hangers, supports and fastenings—ferrous metal without metallic coating; fittings—ferrous metal, zinc coating permitted.

483 Regulators.

484 Valves and Cocks—according to 443.

500 HEATING AND INSULATION:

510 *General requirements.* In order to conserve fuel and metal, all structures and heating installations to be authorized shall comply with the following requirements:

511 *Insulation.* Structures shall be insulated to the extent required by 512.

512 *Heat loss of structures.* Heat Loss in Btu per hour shall in no case exceed 60 times the floor area in square feet and shall be calculated as follows:

(a) The data and methods described in the current edition of the "Guide" of the American Society of Heating and Ventilating Engineers shall be used, or an alternate method may be used which results in not less than the heat loss determined by the "Guide" method.

(b) Heat loss shall be based upon maintaining 70° F. inside temperature, with the outside design temperature as recommended in the "Guide" or as established by standard heating design practice for the locality.

(c) The temperature of unheated garages, crawl spaces, and attics shall be assumed to be the outside design temperature.

(d) Storm windows and doors furnished shall be credited with the reduction in heat loss they effect.

513 Floor area of structures. Floor area is the total area in square feet measured at each principal floor level to the outside face of exterior walls, to the center line of walls separating dwelling units or structures and to the outside face of walls or partitions enclosing finished spaces in attic or basement. Unfinished space shall not be included.

514 Output of heat distribution system. The heat distribution system shall be so designed and installed that, when operating at design conditions, the output from radiators, convectors, registers, or other heat distribution devices (excluding circulating and radiant space heaters and heating stoves) shall be not less than the heat loss of the space served and shall not exceed such heat loss by more than 10 percent.

515 Net output of heating unit, furnace or boiler. The net output of a furnace or boiler in Btu per hour shall be determined as stated in 520 through 540 and is the gross output[1] less the allowances for ordinary piping and pickup, if any, recommended or determined by the applicable rating code or commercial standard.

(a) The net output in Btu per hour of a pipeless gravity, floor or wall furnace, or combination of such furnaces, or of a furnace supplying a warm air distribution system shall be:

(1) Not less than the heat loss of the structure heated, as determined in 512, and

(2) Not more than 60 times the floor area in sq. ft. when coal-fired, or 75 times the floor area when gas-fired or oil-fired.[2]

(b) The net output of a boiler in Btu per hour shall be:

(1) Not less than the heat loss of the structure or structures served, plus the heat required to supply attached water heaters or other connected apparatus, and

(2) Not more than 60 times the floor area in sq. ft. plus the heat required to supply attached water heaters or other connected apparatus, except where this size is not manufactured in the type and make selected, the next larger commercial size may be used but in no case shall the net output exceed 75 times the floor area plus the heat required to supply connected apparatus.

516 Allowance for attached water heaters or other connected apparatus. When a domestic water heater is connected to the boiler, an allowance of not more than 12000 Btu per family dwelling unit served may be made. An allowance for other apparatus connected to the boiler (steam tables, Baine Marie, etc.) may be made according to standard heating design practice.

517 Heating equipment limited by fuel available. Heating equipment is not permitted which requires for its operation a fuel that is unavailable or the delivery or use of which is prohibited by applicable orders of the Federal agency controlling such fuel.

Fuel controlling agencies:

(a) Natural and manufactured gas: W. P. B. Office of War Utilities.

(b) Oil and liquid petroleum gas: Petroleum Administrator for War.

518 Installations permitted. Subject to General Limitations 511 through 518:

(a) Heating units, systems and materials including accessory piping, ducts, vents, flues, prefabricated chimneys, smoke pipe, breechings, etc. are permitted as required subject to the output limitations of 515.

520 Overflow heaters:

521 Floor or wall furnaces.

5211 Gas fired. Net Output—90% of the published, listed or labeled output determined in accordance with "Gas Floor Furnaces, Gravity Circulating Type" Commercial Standard CS99–42, or 90% of the American Gas Association output rating.

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[1] Gross output is the heat delivered in Btu per hour: (a) in the air at the bonnet of a furnace or at the register of a floor, wall or pipeless gravity furnace, (b) in the steam or water at the nozzle of a boiler, (c) by a circulating or radiant space heater or heating stove, when the device is operated under the conditions and within the limitations of the applicable Code or Commercial Standard.

[2] The net output of a furnace for a partial or non-recirculating forced warm air system serving a floor area of more than 1,100 square feet may be increased by the Btu necessary to heat the additional outside air supplied. The net output of a furnace with an attached water heater may be increased 12,000 Btu.

5212 Oil fired. Net Output—90% of the output certified by the manufacturer to have been determined in accordance with "Proposed Commercial Standard for Oil Burning Floor Furnaces Equipped with Vaporizing Pot-Type Burners" TS-3518, (This proposed commercial standard becomes Commercial Standard CS113-44 on February 17, 1944).

522 Space heaters and heating stoves (exclusive of cooking ranges).

5221 Gas fired. Net Output—90% AGA output or 63% AGA input rating.

5222 Bathroom Heater. Net Output—90% of AGA output or 63% of AGA input rating.

5223 Oil fired. Net Output—100% of the published, listed or labeled output determined in accordance with "Flue connected Oil Burning Space Heaters Equipped with Vaporizing Pot-Type Oil Burners", Commercial Standard, CS101-43.

5224 Coal fired. Net Output—not more than the Maximum Rating and not less than the Minimum Rating determined in accordance with the "Proposed Commercial Standard (Emergency) for Coal Burning Space Heaters" TS-3443, its revisions or subsequent commercial standard.

530 Warm air systems:

531 Gravity and pipeless warm air furnaces, any fuel.

Net output—

(a) Gas fired furnace-burner unit—75% of the AGA bonnet output.

(b) Oil fired furnace-burner unit:

(1) With vaporizing pot-type burners—75% of the bonnet capacity determined in accordance with "Warm Air Furnaces Equipped with vaporizing Pot-Type Oil Burners," Commercial Standard (Emergency) CS (E) 104-43.

(2) With mechanical draft pressure atomizing burners—120% of the output determined under 531 (c) for coal fired.

(c) Coal fired:

(1) Furnaces with secondary heating surface and having a total heating surface of at least 15 times the grate area—Not more than 136 times the leader pipe area in square inches as determined in accordance with the Standard Gravity Code formula (register output in Btu per hour) and not less than 60% of this amount.

(2) Furnaces without secondary heating surface and having a heating surface not less than 25 times the grate area—Not more than 136 times the leader pipe area in square inches as determined in accordance with the Standard Gravity Code formula (register output in Btu per hour) and not less than 60% of this amount.

(3) Furnaces without secondary heating surface and having ratios of heating surface to grate area between (15 to 1) and (25 to 1)—Not less than the register output in Btu per hour determined by multiplying the grate area in square inches by the factor in column "A" opposite the applicable ratio in the table below, and not more than the output determined by multiplying the grate area in square inches by the factor in column "B" opposite the applicable ratio in the table below:

Ratio heating surface to grate area	A	B
15-1	128	156
16-1	135	167
17-1	142	179
18-1	150	188
19-1	158	199
20-1	165	209
21-1	173	220
22-1	181	230
23-1	188	241
24-1	196	252
25-1	203	262

532 Forced warm air furnaces including fans, blowers and motors—any fuel—permitted only in basementless structures:

Net output:

(a) Gas fired furnace-burner-fan unit—85% of the AGA output

(b) Oil fired furnace-burner-fan unit

(1) For furnaces fired with vaporizing pot type burners, 75% of the bonnet capacity determined in accordance with "Warm Air Furnaces Equipped with Vaporizing Pot-Type Oil Burners," Commercial Standard (Emergency) CS (E) 104-43.

(2) For furnaces fired with mechanical draft pressure atomizing burners, same as output determined under 532 (c) for coal fired.

(c) Coal fired—150% of the output determined under 531 (c) Gravity Furnaces according to the type of heating surface, or—Not more than the maximum rating and not less than the minimum rating determined in accordance with the "Proposed Commercial Standard for Coal Burning Furnaces" TS-3594 (This Proposed Commercial Standard becomes Commercial Standard 109-44 on March 10, 1944). The net output of furnaces having an output greater than 100,000 Btu may be determined in accordance with the Technical Code of the National Warm Air Heating and Air Conditioning Association.

533 Chimney furnaces and chimney heater ranges, fired with coal or other solid fuel—in one or two story structures with or without basements.

Net output—as in 532.

534 Warm air distribution materials:

5341 Ducts—nonmetallic except that ferrous metal not heavier than No. 26 gauge, is permitted for ducts within 6 feet of the furnace and for all fittings, hangers, and fastenings. Zinc coating permitted.

5342 Registers and grilles—supply registers of stamped, fabricated or cast ferrous metal without metallic coating. Return grilles, nonmetallic.

5343 Filters for forced warm air systems—non-metallic containers and filter material with ferrous metal grid.

540 Steam or hot water systems:

541 Boilers—cast iron with safety devices and trim.

Net output:

(a) Gas fired—65% of the AGA output

(b) Hand fired or mechanically fired, all fuels except gas—100% of the current Institute of Boiler and Radiator Manufacturers' Rating for cast iron boilers, or 100% of the net rating certified by the manufacturer to have been obtained in accordance with the test procedure of the IBR Testing and Rating Code.

542 Steam or Hot Water Distribution Materials as necessary for a complete system except that radiators and convectors shall be of ferrous metal only and molded 85 per cent magnesia permitted only for underground installations.

550 Firing equipment (for fuel limitations see 517) with automatic controls.

551 Oil, gas or sawdust burners.

552 Coal stokers—for heating equipment serving four or more dwelling units and then only by specific authorization of the War Production Board. (Form WPB-1612)

553 Oil Storage Tanks—with pumps, piping and fittings—ferrous metal.

One tank not exceeding 280 gallons capacity to serve three dwelling units or less.

One tank not exceeding 550 gallons capacity to serve four, five, or six dwelling units.

One tank not exceeding 1050 gallons capacity to serve seven to ten dwelling units, inclusive. Reinforced concrete tanks and used steel tanks of any size permitted.

600 HOUSEHOLD EQUIPMENT:

610 Cooking ranges:

611 Ranges for gas, oil, coal or other solid fuel, of the type available in the industry except electric ranges.

612 Electric ranges—over 2500 watts. Subject to allocation. For range installations in war housing, allocations will be made by FHA, and application should be made by letter filed at FHA local offices. For other range installations, allocation is in accordance with provision of Limitation Order L-23-b.

613 Other electric cooking appliances—under 2500 watts; Where gas or oil (including kerosene) or other electric ranges are not used.

620 Refrigerators:

621 Ice cooled, as available.

622 Mechanically cooled for individual family units; subject to approval on application form WPB-882, in accordance with criteria issued by WPB from time to time.

630 Incinerator equipment for multi-family dwelling units only, incinerator proper and flue of non-metallic materials.

700 LAND DEVELOPMENT:

710 General. Where water, gas or electric power is to be obtained by making connections with the facilities of public utility systems, the builder is subject, in the construction of the part of these connections to be installed by him to the Housing Utilities Standards. Sewer service is subject to the limitations of Order P-141.

711 If water, gas, electric power or sewer service is to be obtained by the builder through construction of facilities which do not involve making connections with the facilities of public utility systems, the builder is subject, in performing such construction, to the restrictions listed below (paragraphs 720-780).

720 Water supply and distribution:

721 Wells:

7211 Well Slabs—as permitted under 210.

7212 Casings and drop pipe—ferrous metal, zinc coating optional.

7213 Shallow and Deep Well Pumps and Pumping Equipment and Motors including electric wiring and accessories as permitted under 311.

722 Water Filtration and Treatment Plants—where such equipment is required.

723 Pipe and fittings:

a. Cast iron, all sizes.

b. Steel or wrought iron, zinc coating permitted.

c. Cement asbestos, wood, concrete or other non-metallic material.

d. Fittings—cast or malleable iron. Brass for underground as permitted by M-9-c-4.

e. Lead pipe, oakum and caulking lead.

724 Valves—as permitted under 443.

725 Meter and valve boxes and covers—non-metallic materials—or cast iron—reinforcing steel as permitted under 210—ferrous metal bands permitted.

726 Fire hydrants—as available.

727 Storage reservoirs, tanks and supports. Masonry units and reinforced concrete permitted. Reinforcing steel as permitted under 210. Timber connectors as permitted under 221. Structural steel tank supports.

728 Meters—master or individual.

730 Gas distribution:

731 Pipe and fittings—ferrous metal—zinc coating permitted.

732 Valves—as permitted under 443.

733 Meters—master or individual.

734 Valve and meter boxes and covers—non-metallic materials, ferrous metal, or cast iron—reinforcing steel as permitted under 210, ferrous metal bands permitted.

735 Pressure regulators and governors.

736 Caulking lead.

740 Electrical distribution:

741 Pole line hardware, guys and insulators—as available, permitted.

742 Conductors, connectors and fittings—as permitted by the War Production Board Housing Utilities Standards.

743 Raceways and fittings—underground distribution not permitted. Underground service not permitted except

a. for service requiring larger than No. 2 conductors.

b. for connections to existing underground systems.

744 Transformer and protective equipment—ferrous metal, zinc coating permitted—copper or copper base alloy for current carrying parts.
745 Manhole and vault equipment:
7451 Vault hardware—ferrous metal, zinc coating permitted.
7452 Supports for vault equipment—ferrous metal, zinc coating permitted.
7453 Manhole frames and covers—as available.
746 Auxiliary equipment:
7461 Circuit breakers—as available.
7462 Instrument transformers—as available.
747 Meters—master or individual.
750 Sewers and drainage:
751 Drainage pipe—culverts and inlets—reinforcing steel as permitted under 210.
752 Angles, frames and gratings for drainage inlets—ferrous metal, no metallic coating.
753 Sewer service piping.
754 Sewer force (pressure) mains—piping of cast iron, cement asbestos or reinforced concrete permitted—caulking lead permitted.
760 Sewage treatment and pumping plants:
761 Reinforcing steel—as permitted under 210. Miscellaneous iron—as permitted under 221.
762 Pipe and fittings—ferrous metal to the extent that non-metallic pipe will not serve.
763 Caulking lead.
764 Valves—as permitted under 443 and sluice gates.
765 Pumps and pumping equipment—including electrical wiring and accessories as permitted under 311.
766 Sewage treatment equipment.
770 Utility service manholes, vaults and pits—reinforcing steel as permitted under 210:
771 Manhole frames and covers—as available.
772 Step bars—ferrous metal—metallic coating permitted.
780 Anchors, dowels, tie rods, bolts, nuts and washers—as permitted under 221.

APPENDIX A TO THE WAR HOUSING CRITICAL LIST—ITEMS, THE MANUFACTURE OF WHICH IS NOT AUTHORIZED FOR HOUSING USE BUT MAY BE USED WHEN OBTAINED FROM EXISTING INVENTORIES

Area walls—ferrous metal.
Armored cable (BX)—for remodeling and conversion in any locality or new construction as permitted by item 335.
Ash dumps—for fireplaces.
Bathroom accessories—metallic.
Cabinets—kitchen, bath and under sink—metallic.
Ceilings—ferrous metal.
Cleanout doors—for fireplaces.
Coal chutes—ferrous.
Closet fittings—metallic.
Columns—cement filled, with caps and bases—ferrous metal pipe unsuitable for hydraulic use.
Ducts (straight runs) prefabricated prior to May 1, 1943.
Fireplace linings—ferrous metal—with ducts & outlet grilles.
Hardware—(finishing)—of types no longer permitted to be manufactured including knockers, mail slots and shutter hardware.
Heat deflectors—ferrous metal—for floors under space heaters and stoves.
Joist bridging—where essential in remodeling and conversion.
Lath—ferrous metal, paper backed.
Lighting fixtures—metallic, of types no longer permitted to be manufactured.
Formed sheet steel lintels.
Mouldings—formed, fabricated, of stainless steel or ferrous metal, chrome plated or zinc coated—for wainscots, work tops, drainboards, stair nosing, edging coves, trim and fittings for linoleum, hard board, asphalt tile, etc.
Nailing plugs—ferrous—remodeling only.
Package receivers—ferrous.
Plumbing fixture trim—plated or unplated brass—except as prohibited by Supplementary Order M-9-c-4.
Screen frames—metallic.
Stairs—wood—disappearing—with metallic hardware.
Stair treads—ferrous—non slip.
Sash pulleys—metallic.
Venetian blinds—metallic with hardware.
Windows—metal.
Insect screen cloth—copper—
(a) Which Copper Recovery Corporation has refused to accept.
(b) Any roll cut prior to April 9, 1942.
(c) Used or second hand.

The effective date of Schedule I is March 1, 1944.

Issued this 12th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2104; Filed, February 12, 1944; 11:11 a. m.]

PART 1075—CONSTRUCTION

[Limited Preference Rating Order P-55-c, Schedule II]

WAR HOUSING CONSTRUCTION STANDARDS

§ 1075.19 *Schedule II to P-55-c*—(a) *Applicability of standards.* These standards shall apply only to new housing approved on Form WPB-2896 and, insofar as practicable, to all conversions, rehabilitations and remodeling of existing structures for dwelling purposes so approved.

(b) No housing construction shall be performed unless it complies with the provisions of these standards, the War Housing Critical List, and the Emergency Plumbing Standards for Defense Housing (available for examination at local offices of the Federal Housing Administration and the War Production Board.)

(c) *Design of projects.* Housing projects, whether consisting of single-family detached dwellings, semi-detached dwellings, row houses or multi-family dwellings, in which two or more family dwelling units are located upon a single property, shall be designed so as to use a minimum amount of critical materials in plumbing, heating, electrical work, site utilities and lumber for all purposes.

Project facilities, such as management, maintenance, community and other special service space or buildings which are essential to the operation of the project may be provided, if approved on the application.

Garages (not car ports) are permitted in connection with dwellings: (1) in basements directly under the living quarters (not under porches), (2) as attached structures or detached structures only if approved on the application. They will not be approved except in localities where the average annual snow fall is more than 60 inches or the average minimum temperature for any calendar month is less than plus 15° F. as determined by the War Production Board Regional Offices from past records of the United States Weather Bureau covering a period of not less than ten years.

(d) *Maximum permissible floor areas.* The floor area per family dwelling unit constructed with wood frame exterior wall shall not exceed the following allowances:

MAXIMUM NUMBER OF SQUARE FEET PER FAMILY DWELLING UNIT [1]

Dwelling height	Size of dwelling unit			
	0-bedroom	1-bedroom	2-bedroom	3-bedroom
One-story	400	650	800	1,000
More than one-story	500	750	900	1,100

[1] The maximum permissible floor area of dwelling units may be increased by 10 percent when the exterior wall construction is not wood frame, but this increased area may not be used in computing the permissible amount of lumber.

A one-story structure is one in which all the rooms used for living, sleeping, eating, cooking and sanitation are located on the same principal floor level. Where more than three bedrooms are provided, the floor area shall not exceed that allowed for a three bedroom unit.

Finished rooms only shall be used in determining the number of bedrooms.

A structure which immediately provides in an attic usable floor area of finished space not in excess of 50 per cent of the area of the main floor may be considered a one-story structure, provided the combined area does not exceed that permitted for a one-story structure.

The floor area of an attached or detached garage shall not exceed 200 square feet, and is in addition to the areas permitted above.

The floor areas of project facilities are in addition to the areas permitted above.

(e) *Minimum standards applicable to houses for sale or rent.* The minima set forth in this paragraph (e) apply only to houses built for rent or sale. They do not apply to houses built for occupancy by the applicant. The floor area per family dwelling unit, excluding bedrooms, or for a "0-bedroom" family dwelling unit, shall be not less than 220 square feet.

The minimum floor areas for bedrooms, exclusive of storage space, shall be not less than the following:

Type of dwelling unit	Minimum number of square feet per bedroom		
	1st bedroom	2d bedroom	3rd bedroom
1-bedroom unit	100	------	------
2-bedroom unit	100	70	------
3-bedroom unit	100	100	70

A reduction of the minimum floor areas stated above is permissible for temporary family dwellings constructed for use during the period of the emergency only.

All dwelling units must contain provision for living, sleeping, eating, cook-

ing and sanitation. This does not require separate bathroom facilities for each unit.

(f) *Calculation of floor areas.* Floor area is calculated at each principal floor level to the outside face of exterior walls and to the center line of common walls, except as noted below:

In attics or basements, walls or partitions enclosing finished space shall be considered as exterior walls. Finished space in attics less than 5'0" in height shall not be included. Unfinished space in attics and basements shall not be included. Garages located in basements shall be considered unfinished space.

The exterior side wall of an end row dwelling shall be considered a common wall.

Porches, whether roofed or not, shall not be included in calculating floor area.

The floor area includes space used for living, sleeping, cooking, eating, sanitation, utility rooms, finished closets, vestibules, halls and stair wells, and in multi-family dwellings the floor area also includes any common vestibules, halls and stair wells.

(g) *Allowances for lumber.* Any type of construction may be used provided the total use of dimension lumber (2-inch nominal size or thicker) for dwelling structures shall not exceed the following allowances in board feet per square foot of floor area:

Location of project	Height of structure	
	One story	More than one story
(1) Localities listed in appendix A	5.0	4.0
(2) All other localities	[1] 6.5	[1] 5.5

[1] Where the exterior wall construction is not of wood frame, the lumber allowances given in (1) above shall apply.

For each attached or detached garage, not more than 200 board feet of dimension lumber will be permitted for roof construction. Exterior side wall construction of garages shall be of material other than lumber. (Note: Car ports are not permitted.)

The necessary lumber for project facilities and for construction purposes such as shoring and sheds, is permitted in addition to that allowed for the construction of other structures.

(h) *Restrictions on lumber.* The use of substitutes for lumber shall be employed to the fullest possible extent. Wall sheathing and roof sheathing for flat roofs with a pitch of 3" in 12" or less shall be as allowed by the War Housing Critical List (Schedule I). Construction designs shall be based on the use of standard sizes of lumber and all lumber shall be so sized and spaced as to effect the most economical utilization. Where structural grades of lumber are used, the use shall be in accordance with WPB Directive No. 29, Emergency Specifications for the Design, Fabrication and Erection of Stress Grade Lumber and Its Fastenings for Buildings.

The War Housing Critical List shall be consulted for specific allowances on the use of lumber.

(i) *Plumbing installations.* Plumbing installations shall conform to the current provisions of the War Housing Critical List and the Emergency Plumbing Standards and are further limited as follows:

(1) In multi-family dwellings, the plumbing layout for kitchens and bathrooms shall be designed so as to use a minimum amount of critical materials. All multi-family dwellings of more than one-story and two-story semi-detached and row house dwellings designed for rent shall have an average of less than one stack per dwelling unit.

(2) In other dwellings, bathroom and kitchen plumbing shall be so arranged that not more than one plumbing stack per dwelling will be required. In dwellings of one story the bathroom shall be back to back with the kitchen; in dwellings of more than one story the bathroom may be over the kitchen or elsewhere provided it is immediately adjacent to a common stack.

(j) *Definition of a multi-family dwelling.* A "multi-family" dwelling means a structure containing separate single family dwelling units for two or more families with joint facilities or service or both. "Joint facilities" means any or all of the following which serve two or more families: entrance hall, stairway, storage or laundry facilities, bathroom or toilet, attic, heating plant, hot-water generator, and electrical service equipment; the term "joint services" means janitorial and maintenance services.

APPENDIX A

In the following States all housing structures, except as provided in paragraph (g) of this schedule, shall have laid-up masonry exterior walls constructed of clay or concrete products such as brick, structural clay tile, cement or concrete blocks, and cement brick:

New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia (Including Washington Metropolitan Area), North Dakota, South Dakota, Ohio, Indiana, Illinois, Iowa, Nebraska, Kansas, Missouri, Oklahoma, Michigan and Wisconsin.

except that housing projects of which the foundations for one or more structures are completed during December, January, or February in:

New Hampshire, Vermont, Wisconsin, Iowa, North Dakota and South Dakota.

may be wood frame construction with the lumber allowances provided in paragraph (g) (2).

The effective date of Schedule II is March 1, 1944.

Issued this 12th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2102; Filed, February 12, 1944; 11:11 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 6, Direction 2]

RULES GOVERNING THE DELIVERY OF MATERIALS FOR THE CONSTRUCTION OF HOUSING PROJECTS

The following direction is issued pursuant to CMP Regulation 6:

(a) The provisions of CMP Regulation 6 do not apply to housing projects being constructed under the provisions of Limited Preference Order P-55-c. Paragraphs (d), (e) and (f) of order P-55-c provide the method of getting materials and products necessary for housing projects.

(b) Direction 2 shall take effect on March 1, 1944.

Issued this 12th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2101; Filed, February 12, 1944; 11:11 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-217, as Amended Feb. 12, 1944]

FOOTWEAR

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of shoe manufacturing material for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.191 *Conservation Order M-217*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board and Conservation Order M-328, as amended from time to time, except as follows:

(1) Priorities Regulation 17 shall be inapplicable to footwear.

(2) Military footwear which has been rejected by Government inspectors and stamped to indicate its rejection may be sold without regard to Paragraph 944.11 of Priorities Regulation 1 or paragraph (e) (3) of Conservation Order M-328.

(b) *Definitions.* For the purposes of this order:

(1) "Put into process" means the first cutting of leather or fabric in the manufacture of footwear.

(2) "Footwear" includes house slippers, but does not include (i) rubber footwear or (ii) foot covering designed to be worn over shoes and utilizing no leather.

(3) "Work shoes" means any shoes or boots with unlined quarters which are designed to be worn at any form of work requiring specially heavy or substantially made footwear.

(4) "Horizontal quarter seams" means seams on quarters running at a predomi-

nantly horizontal direction (i. e. parallel to the sole).

(5) "Design and construction" of footwear means the make-up of the footwear in every detail, so that any two items of footwear of the same design and construction are necessarily identical, except in size; but does not refer to the means whereby the footwear is manufactured.

(6) "Cattle hide leather" means any leather (including splits) made from cattle hides, including hides of bulls, cows, and steers, and calf and kip skins (but excluding slunks) and shall also include buffalo hides.

(7) "Pintucking" means a raised effect on the surface of footwear accomplished by either single or double needle stitching, but does not include the raised seam on a moccasin type vamp.

(8) "House slippers" means any footwear designed exclusively for indoor or house wear.

(9) "Padded sole house slippers" means slippers having conventional padded soles where the outsole is made of fabric, imitation leather or split leather not over 2½ ounces in weight and is directly stitched to the upper or to a platform cover.

(10) "Line" means footwear of any one of the following types:

Men's dress,
Men's work,
Youths' and boys',
Women's and growing girls',
Misses' and children's,
Infants',
House slippers,
Athletic,
Men's safety shoes, and
Women's safety shoes,

to the extent that such type of footwear is manufactured for sale in the same manufacturer's price range; *Provided*, That:

(i) Footwear of substantially identical kind and quality sold in more than one price range to different types of purchasers shall be deemed one line; and

(ii) In case the sale by the manufacturer is at retail or to a purchaser controlled by the manufacturer, the applicable price range shall be the retail price range.

(iii) Up to a net wholesale price of $1.75 a pair misses' and children's footwear (not including slippers) may be deemed one line, and youths' and boys' footwear (not including slippers) one line, but no production in new price ranges is authorized unless specifically approved under paragraph (i) (3) (vii), below.

(11) "Price range" shall have the usual trade significance, provided that the highest list price in the range does not exceed the lowest in the range by more than ten (10%) per cent, or twenty-five (25) cents a pair, whichever is the greater.

(12) "Military footwear" means military type footwear purchased by the Army or Navy of the United States (excluding post exchanges and ship's service stores, wherever situated), the United States Naval Academy at Annapolis, Maryland, the United States Military Academy at West Point, New York, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, the War Shipping Administration, the Government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, the Netherlands, Norway, Poland, Russia, Turkey, the United Kingdom (including its Dominions, Crown Colonies and Protectorates) and Yugoslavia; military type footwear purchased by any agency of the United States for delivery to or for the account of the Government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); and custom-made footwear delivered for personnel of the Army or Navy of the United States.

(13) "Civilian footwear" as used in paragraph (i) includes all footwear except military footwear and rubber footwear.

(14) "Six months' base period" means any consecutive six calendar months within the period from July 1, 1942 to April 30, 1943 selected by a manufacturer as his base period for the purposes of this order.

(15) "Civilian line quota" means the number of pairs of civilian footwear within a single line manufactured by a person during his six months' base period.

(16) "Safety shoes" means protective occupational footwear incorporating or purporting to incorporate one or more of the following safety features: steel box toe; electrical conductivity; electrical resistance; non-sparking and moulders' (Congress type) protection (shoes which can be quickly removed, worn to protect against splashing metals).

(17) "Long shield tip" means a shield tip having a horizontal measurement from the bottom of the curve to the upper end of the tip of more than 1 inch (using size 4B as a standard).

(c) *Curtailment in the use of materials and colors in the manufacture of footwear.* (1) No person shall manufacture, or put into process any leather or fabric for the manufacture of, any footwear with:

(i) Leather seam laps gauging over ½ inch in width.

(ii) Horizontal quarter seams, on lined low quarter shoes.

(iii) Wing or shield tips on men's shoes and boys' shoes over size 6, or wing tips or long shield tips on women's, girls', misses', youths', little gents' and children's shoes and boys' shoes of sizes 6 and under.

(iv) Full overlay tips or full overlay foxings, except on work shoes and footwear with fabric uppers.

(v) Woven vamp or quarter patterns.

(vi) Quarter collars, except on unlined shoes and house slippers.

(vii) Bows or other ornaments, if made of leather in whole or in part.

(viii) Outside leather taps, on footwear other than men's high shoes, unless the middle sole is of synthetic composition material.

(ix) Leather slip soles other than those cut from bellies or offal.

(x) More than one full leather sole, in goodyear welt footwear other than work shoes.

(xi) Full breasted heels, except on hand-turned footwear.

(xii) Welting in excess of ½ inch in width and 5/32 inch in thickness in shoes other than work shoes, or welting in excess of 9/16 inch in width and 5/32 inch in thickness in work shoes.

(xiii) Straps, buckles, knife pockets or decorative stitching on boots or work shoes.

(xiv) Men's one-piece leather uppers (i. e., vamp and quarter cut in one piece and seamed up the back).

(xv) Extension stitched heel seats, except on:

Prewelts in all sizes,
Stitchdowns in all sizes,
Children's shoes up to and including size 3, and
Safety and established orthopedic footwear.

(xvi) Metal nail heads for studs or any metal for decorative purposes.

(xvii) Any stitching thread made from reserved Egyptian cotton (as defined in Conservation Order M-117) or reserved American extra staple cotton (as defined in Conservation Order M-197) for any decorative or any non-functional purpose.

(xviii) Any non-functional or decorative stitching except:

(*a*) Not more than four rows of non-functional stitching on imitation tips, foxings, saddles, mudguards and moccasin type vamps.

(*b*) Not more than an aggregate of four rows of functional and non-functional stitching parallel to the vamp, tip, foxing, saddle, and moccasin seams.

(*c*) Design stitching solely to permit direct non-stop stitching between cut-outs.

(*d*) Design functional stitching on utility work cowboy boots.

(xix) Any strippings, braidings, pintuckings, lacings or overlays, except those serving a necessary functional purpose.

(xx) Straps passing over, under or through a tongue or vamp.

(xxi) Raised quarter or raised back seams (other than vertical back seams), except on genuine moccasins.

(xxii) Multiple straps, on Roman sandals.

(xxiii) Kiltie or other ornamental tongues, if made of leather in whole or in part.

(xxiv) Platform soles and platform effects, on all footwear of heel height over 1⅜ inches, using size 4B as the standard.

(xxv) Leather covered platforms or leather platform effects, on any footwear.

(xxvi) Heels gauging over 2⅛ inches in height, using size 4B as the standard.

(xxvii) Metal spikes, on golf shoes.

(xxviii) Storm welting (except laminated split leather storm welting on work shoes) or caulk welting.

(xxix) Rawhide or other leather laces, except on work shoes.

(xxx) Leather or part leather loops performing the function of eyelets.

(2) No person shall use in the manufacture of any footwear any steel shanks of any gauge except:

18 gauge	.045 minimum, 50 carbon steel.
21 gauge	.032 minimum, 50 carbon steel.
19 gauge	.040 minimum, low carbon or basic steel.

unless such shanks were in said person's inventory on September 10, 1942, or were subsequently acquired from a producer of steel shanks who had, prior to September 10, 1942, rolled steel plate for shanks of a different gauge.

(3) No person shall put into process any leather for the manufacture of any boots except men's blucher high cut laced boots ten inches or under in height (measured from heel seat, using size 7 as the standard) and men's and women's utility work cowboy boots: *Provided, however,* That upon letter application the War Production Board may permit any person to make boots higher than ten inches for use in specified hazardous occupations.

(4) No person shall put into process any leathers or fabrics for the manufacture of footwear of more than one color (subject to unavoidable deviations in shade normally experienced in finishing leathers or dyeing fabrics). This restriction shall apply to the color of stitching, lacing and bindings, but shall not apply to the color of linings and soles. Nothing in this paragraph shall prevent unavoidable discoloring of thread, leather, and perforations as a result of antiquing, or the use of:

(i) Embossed leather or genuine reptiles of the colors permitted in paragraph (f) (1) below but having slight variations in shade caused by normal finishing of such leathers, or

(ii) Embossed leather or genuine reptiles of any color or colors (in all-over shoes) if finished prior to October 16, 1942.

(iii) Shearling collars made of scrap pieces, on house slippers, to the extent available under General Conservation Order M-94.

(iv) An additional color on tips or tongues of safety shoes as above defined.

(5) No person shall put into process for the manufacture of footwear any leather or fabric except leather or fabric finished or dyed in accordance with paragraph (f) below: *Provided, however,* That nothing contained in this paragraph (c) (5) shall prevent any person from using:

(i) Any solid color white cattle hide, turftan, bluejacket blue, gold or silver leather finished prior to March 16, 1943.

(ii) Any other solid color leather or any genuine or imitation reptile leather of any color or colors (in all-over shoes) finished prior to October 16, 1942.

(iii) Any solid color turftan or bluejacket blue fabric acquired by the manufacturer prior to February 20, 1943; or

(iv) Any other solid color fabric dyed prior to September 13, 1942 and acquired by the manufacturer prior to February 16, 1943.

No person shall use any natural colored leather for the manufacture of any footwear except work shoes.

(6) No person shall put into process any cattle hide upper leather (other than kip sides, kipskins and calf), including upper leather splits, gauging 4½ ounces or over for the manufacture of any footwear except work shoes, cowboy utility boots and lined police type high shoes.

(7) No person shall put into process any cattle hide leather (including splits) for uppers or any cattlehide grain leather outsoles (except heads, bellies, shins and shanks of 5 iron or less), for the manufacture of house slippers or romeos.

(8) No person shall attach any leather outsoles or outside leather taps to any footwear having raised or flat seam mocassin type vamps (including genuine moccasins utilizing soles) or mudguard vamps, any saddle-type footwear, or any footwear with imitation wing tips, imitation stitched moccasin types, imitation stitched mudguards and imitation stitched saddles; *Provided, however,* That nothing in this subparagraph (c) (8) shall apply to women's and girls' shoes with heels 1⅛ inches and over in height, using size 4B as the standard.

(9) No person shall put into process any patent leather for the manufacture of men's shoes.

(10) No person shall put into process any upper leather or leather or rubber soles for the manufacture of men's sandals.

(11) No person shall manufacture any leather or part leather bows for use on footwear.

(12) No person shall attach any chrome retan soles heavier than 4-iron to any footwear except infants', misses' and children's or youths' and boys'.

(13) No person shall utilize any upper leather or lining leather set aside by tanners pursuant to Conservation Order M-310 or directions issued thereunder, for the following types of footwear:

(i) Infants';

(ii) Misses' and children's;

(iii) Footwear for the physically maimed and deformed manufactured on a custom-made basis and not for stock; except in the manufacture of one of those types of footwear.

(d) *Restrictions on styling and types manufactured.* (1) No person shall put into process any leather or fabric for the manufacture of any footwear of a design and construction not utilized by him between September 1, 1940 and December 31, 1942, except that:

(i) In the case of footwear the soles of which are made wholly from materials other than leather or rubber (which may, however, utilize leather for hinges or for tabs, heel inserts or other non-skid or soundproofing features covering not more than 25% of the area of the bottom of the sole) designs and constructions utilized between September 1, 1940 and October 18, 1943 may be used:

(ii) Nothing in this paragraph shall prevent correction of patterns to the extent necessary to remove features prohibited by this order; and

(iii) The War Production Board may make exceptions in this paragraph in favor of patterns or designs which will conserve leather or other materials.

(2) No person shall put into process any leather or fabric for the manufacture of any women's evening slippers, except those using gold or silver upper leather finished prior to March 16, 1943 with split, head, belly, shin or shank outsoles of 5 iron or less.

(3) No person shall use special processes or materials at any stage of manufacturing footwear for the purpose of rendering such footwear more adaptable to retail display.

(4) No person shall attach to any footwear (except infants' footwear, house slippers or women's gold or silver evening slippers) outsoles, other than wooden soles, not conforming to the specifications contained in Schedule I annexed to this order.

(e) *Exceptions to paragraphs* (c) *and* (d) *above.* The foregoing prohibitions and restrictions of this order shall not apply to:

(1) Footwear made wholly without leather and without rubber soles where no two-tone effect is created. This exemption shall extend only to paragraph (c). However, shoes of multicolored fabric (a single fabric containing more than one color) are permitted and may have bindings or other trimmings (not including tips, foxings and eye stays) in one of the colors of the material.

(2) Special types of footwear made for the physically deformed or maimed.

(3) Football, baseball, hockey, skating, bowling, track, and ski shoes and other similar footwear designed for use in active participation in sports which require specially constructed footwear for such use. This does not include golf shoes.

(4) Footwear forming part of historical or other costumes for theatrical productions.

(5) Infants' footwear up to and including size 4.

(6) Footwear the uppers of which are made of shearlings.

(e-e) *Restrictions on the manufacture of safety shoes.* No person shall manufacture any safety shoes which have leather uppers with leather or rubber (including synthetic rubber) compound bottoms, except those which comply in respect to types, patterns, materials, method of construction, labelling and all other details with the American War Standards Specifications for Protective Occupational Footwear, published by the American Standards Association. These specifications are listed below and may be obtained from the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., or from the American Standards Association, 29 West 39th Street, New York, N. Y.

Men's Safety-Toe Shoes—Z41.1-1943 (2nd edition)—September 24, 1943

Men's Conductive Shoes—Z41.3-1943 (3rd edition)—September 24, 1943

Men's Explosives-Operations (Non-Sparking) Shoes—Z41.4-1943 (2nd edition)—September 24, 1943

Men's Electrical-Hazards Shoes—Z41.5-1943 (3rd edition)—September 24, 1943

Men's Foundry (Molders) Shoes—Z41.6-1943 (3rd edition)—September 24, 1943
Women's Safety-Toe (Oxford) Shoes—Z41.2-1943 (3rd edition)—September 24, 1943
Women's Safety-Toe (High) Shoes—Z41.7-1943 (2nd edition)—September 24, 1943
Women's Explosives-Operations (Non-Sparking) Shoes—Z41.8-1943—(2nd edition)—September 24, 1943
Women's Conductive Shoes—Z41.9-1943 (2nd edition)—September 24, 1943

Upon letter application the War Production Board may authorize deviations from the above mentioned standards when necessary to meet minimum civilian requirements for safety shoes.

(f) *Restriction on tanning and dyeing.* (1) No person shall finish any leather for use as upper leather except in the following colors (subject to unavoidable deviations in shade normally experienced in finishing leathers):

Black.
White, except in cattle hide leathers.
Army russet and town brown, as appearing on the Fall 1942 color card of the Textile Color Card Association of the United States, Inc.
Natural color.

(2) No person shall color any leather or dye any fabric for use in shoe uppers except in the colors mentioned in paragraph (f) (1) above, (subject to unavoidable deviations in shade normally experienced in tanning and dyeing).

(3) No person engaged in the business of shoe manufacturing shall dye any new footwear except in the colors mentioned in paragraph (f) (1) above.

(4) Restrictions of this paragraph shall not apply to the dyeing of fabrics for use in footwear excepted by paragraph (e) (1), above.

(g) *General exceptions.* None of the restrictions of this order shall apply to military footwear.

(h) *Restrictions relating to sales and deliveries.* (1) No person shall sell or deliver any new footwear manufactured in the United States of America in violation of this order.

(2) No tanner or sole cutter shall deliver any leather to any shoe manufacturer if he knows or has reason to believe said leather is to be used in violation of the terms of this order.

(3) The prohibitions and restrictions of this paragraph shall not apply to:

(i) Deliveries of footwear or leather by, or to, any person having temporary custody thereof for the sole purpose of transportation or public warehousing.

(ii) Any bank, banker or trust company affecting or participating in a sale or delivery of footwear or leather solely by reason of the presentation, collection, or redemption of an instrument, whether negotiable or otherwise.

(4) In making sales or delivery of any footwear, no person shall make discriminatory cuts in quantity or quality between customers who meet such person's regularly established prices, terms and credit requirements, or between customers and his own consumption of said footwear. Reduction in sales or deliveries proportionate with any curtailment in supply available for nonmilitary use shall not constitute a discriminatory cut.

(5) No manufacturer shall accept delivery of any upper leather or lining leather reserved by tanners pursuant to Conservation Order M-310, or directions issued thereunder, for the manufacture of the following types of footwear:

(i) Infants';

(ii) Misses' and children's;

(iii) Footwear for the physically maimed and deformed manufactured on a custom-made basis and not for stock; if his inventory of leather available for making these types of footwear will thereby become greater than a 30-days' inventory, based on the previous months' production.

(i) *Restrictions on production of lines of footwear.* (1) No person shall in any six months' period beginning March 1, 1943 complete the manufacture of more civilian footwear within the following lines than the percentage of his civilian line quota for such line shown in the following schedule:

	Percent
Youths' and boys'	125
Infants'	125
Men's safety shoes	125
Men's work	115
Men's dress	100
Women's and growing girls'	100
House slippers	100
Athletic	100
Women's safety shoes	100

With respect to misses' and children's footwear, no manufacturer may exceed 125% of his aggregate quotas for all his lines of misses' and children's footwear, but his production may be distributed among his established lines of misses' and children's footwear in any manner desired: *Provided, however,* That to the extent that a manufacturer's production of military footwear shows a decrease below that during his six months' base period, his production within any line of civilian footwear may exceed the civilian line quota for such line by its proportionate part of such decrease; and to the extent that such manufacturer's production of military footwear shows an increase over that during the six months' base period, each civilian line quota of such manufacturer shall be diminished by its proportionate part of such increase.

(2) No person shall manufacture any line of footwear (except military footwear) not manufactured by him in his six months' base period.

(3) *Exceptions to paragraphs (i) (1) and (i) (2).* (i) A lower priced line of the same type of civilian footwear may be substituted in whole or in part for a higher priced line.

(ii) The unused quota of any higher priced line may be added to a lower priced line of the same type of civilian footwear.

To the extent shown in the following schedule, any person may transfer the unused portion of any civilian line quota or quotas of men's dress or women's and growing girls' footwear to the production of the following types of footwear:

Type:	*Percentage of unused quota permitted to be added*
Men's work	115
Youths' and boys'	125
Misses' and children's	125
Infants'	125

Provided, however, That in no event shall any unused quota be added to a higher priced line, *And provided further,* That in no event shall a new line be added until authorization has been obtained under paragraphs (d) (1) above and paragraphs (i) (3) (vii) below.

(iii) A person may exceed his civilian line quota for any line of women's safety shoes if a pairage equal to such excess is deducted from some other line or lines of footwear.

(iv) During any six months' period, beginning March 1 or September 1 in any year, a manufacturer whose total production for the period will be less than $250,000 (based on wholesale value) is not subject to paragraph (i) (1), provided that no new lines are added and provided the manufacturer does not exceed his aggregate production in pairs during his six months' base period by more than 50%. The exemption in this paragraph shall not apply to manufacturers affiliated, as a subsidiary or otherwise, with another.

(v) Paragraphs (i) (1) and (i) (2) shall not apply to footwear made for the physically maimed or deformed on a custom-made basis and not for stock.

(vi) Until September 1, 1943 footwear made wholly without leather and without rubber soles shall not be included in computing production for the purposes of this paragraph (i). The War Production Board may authorize any person making a line of reasonably durable footwear utilizing non-critical materials to exceed his civilian line quota for such line. Application for such authorization shall be made by letter, describing fully the footwear proposed to be manufactured, listing in detail all the materials to be used and stating the quantity of such footwear to be made, the price range, the source of the manpower to effect such increase in production, and all other facts pertinent to the application.

(vii) Any person who has no civilian line quota for a particular type of footwear may apply by letter for one or more civilian line quotas, stating the types and construction of the footwear he proposes to manufacture, the number of pairs to be made, the price range, the consumer need for footwear of the quality proposed to be made, the source of the manpower to make such footwear, and whether production will be reduced in any other line or lines. No such quota will be granted unless the footwear to be made has been specifically priced by the Office of Price Administration.

(4) The period selected by any person as his six months' base period shall apply to all lines and may not be subsequently changed.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, purchases, production and sales.

(l) All persons affected by this order shall file such reports and questionnaires as may be requested by the War Produc-

tion Board, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(m) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref.: M–217.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(o) *Effective dates.* This order as amended shall become effective on January 12, 1944 with the exception of paragraph (c) (12) which shall become effective on March 15, 1944.

Conservation Order M–217 as presently in force shall remain in force until superseded by this amended order.

Issued this 12th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I—SPECIFICATIONS FOR SOLES

Abrasion. The substitute material shall have a resistance to abrasion of not less than 4000 revolutions to abrade 50% of the thickness of the material, when tested on the type of machine used by and following the procedure of the National Bureau of Standards. The material may be tested on any other abrasive testing machine, using an appropriate number of abrasive strokes of revolutions to give abrasive action equivalent to the above.

Crackiness. The material shall not crack, after conditioning for 4 hours, at 32° F. and testing at that temperature, when bent 180° over a 3-inch mandrel. The material shall not crack, after aging for 48 hours at 120° F. ± 2° F. and reconditioning at 65 per cent ± 2 per cent relative humidity and 120° F. ± 2° F., when bent 180° over a 3-inch mandrel.

Tackiness. The material shall not become tacky or flow when subjected to a temperature of 120° F. ± 2° F. for 4 hours.

Stitch tear. Material which is used for stitched soles shall have a stitch tear strength of not less than 30 pounds when tested dry, and not less than 25 pounds when tested immediately after soaking in water for 4 hours. When the outsole is cemented securely to a backer or midsole, the test shall be made of the combined assembly.

Effect of water. After submerging in water at 75° F. ± 2° F. for 4 hours, the material shall not show visual evidence of delamination or separation and shall not show an increase in thickness of more than 20 per cent.

INTERPRETATION 1

The word "manufacture" in line two of paragraph (c) (1) of § 3290.191. (Conservation Order M–217), refers to the operation whereby the features mentioned in subdivisions (i) to (xvii), inclusive, of said paragraph became a part of the footwear.

Illustration: Subdivision (iv) refers to full overlaid tips or full overlaid foxings except on work shoes. The order prohibits the placing of full overlay tips or full overlay foxings on dress shoes after October 31, 1942. But it does not prohibit the completion of the shoe if an overlaid tip or an overlaid foxing has been affixed prior to said date. (Issued October 6, 1942.)

INTERPRETATION 2

FOOTWEAR

The reference to "leather outsoles or outside leather taps," in paragraph (c) (8) of § 3290.191 Conservation Order M–217 designates outsoles and outside taps the wearing qualities of which are derived primarily from leather. For example: An outsole composed primarily of leather but having a paper coating would constitute a "leather outsole," since, presumably, the paper would soon disappear and the wearing quality of the sole would rest primarily upon the leather.

On the other hand, if a sole of durable substitute material were cemented on a thin leather sole so that the substitute material received the wear the leather sole would constitute a midsole rather than an outsole.

Similarly, a wooden sole having a leather heel insert to provide nonskid and soundproofing features is not a "leather outsole," because the wear of the shoe is derived mainly from the wooden portion of the sole. (Issued Oct. 18, 1943.)

[F. R. Doc. 44–2098; Filed, February 12, 1944; 11:11 a. m.]

PART 3293—CHEMICALS

[Allocation Order M–340 as Amended Feb. 12, 1944]

MISCELLANEOUS CHEMICALS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of the chemicals subject to this order for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.491 *Allocation Order M–340.*—(a) *Definitions.* (1) "Subject chemical" means any chemical listed in Appendix A, as therein defined.

(2) "Producer" means any person engaged in the production of any subject chemical and includes a person who imports any subject chemical or has it produced for him pursuant to toll agreement.

(3) "Distributor" means any person who buys any subject chemical for the purpose of resale without further processing and without changing the form thereof.

(4) "Supplier" means a producer or distributor.

(b) *Restrictions on deliveries.* (1) On and after the applicable effective date stated in Appendix A, no supplier shall deliver a subject chemical to any person except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of a subject chemical which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions as to deliveries to be made by suppliers in each calendar month will generally be issued by War Production Board prior to the beginning of such month, but may be issued at any time. They will normally be issued on Form WPB–2947 (formerly PD–602) which is to be filed by the supplier with War Production Board as explained in paragraph (g) below.

(3) If a supplier is authorized or directed by War Production Board to deliver a subject chemical to any specific customer or group of customers, but is unable to make the delivery either because of receipt of notice of cancellation or otherwise, the subject chemical shall revert to inventory, and shall not be delivered, or used, without further instructions.

(c) *Exceptions for small deliveries.* (1) Specific authorization in writing of War Production Board is not required for delivery by any supplier to any person in any calendar month of a subject chemical in a quantity not exceeding the quantity stated in Column 3 of Appendix B.

(2) The aggregate quantity of a subject chemical which any supplier may deliver in any calendar month pursuant to paragraph (c) (1), shall not exceed:

(i) The quantity which he has been specifically authorized, upon application pursuant to Appendix D, to deliver on small orders; or

(ii) If he is a distributor, the quantity which he acquired upon certification that it was required to fill small orders or the quantity which he acquired himself on such a small order; or

(iii) If he is a distributor who customarily delivers exclusively on small orders, any quantity.

(d) *Exceptions for deliveries for other reasons.* Specific authorization in writing of War Production Board is not required for delivery of a subject chemical by any supplier to any other person for a purpose stated in Column 4 of Appendix B.

(e) *Restrictions on use.* (1) On and after the applicable effective date stated in Appendix A, no supplier shall use a subject chemical except as specifically authorized or directed in writing by War Production Board.

(2) Each person who with an order for a subject chemical furnishes a certificate required by paragraph (f) shall use the subject chemical delivered on such order only as specified on such certificate except as otherwise specifically authorized or directed in writing by War Production Board.

(3) War Production Board may from time to time issue directions with respect to the use or uses which may or may not be made of a subject chemical to be delivered to, or then in inventory of, the prospective user.

(f) *Supplier to obtain from customer a certificate of use.* No supplier shall in

any calendar month (beginning in the case of each subject chemical with the calendar month in which the order becomes effective as to that chemical as stated in Appendix A) deliver to any person a greater quantity of such subject chemical than is stated in Column 3 of Appendix B, unless he shall have received from such person a certificate as to the use for which such person is ordering such subject chemical. Such certificate must be received by the supplier not later than the 15th day of the month preceding the month in which delivery is to be made. It need not be filed with War Production Board. A supplier must not deliver a subject chemical where he knows or has reason to believe the purchaser's certificate is false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

(g) *Applications by suppliers for leave to deliver or use.* (1) Each supplier requiring authorization to make delivery of, or to use, a subject chemical during any calendar month shall file application on or before the 20th day of the preceding month. The application should be made on Form WPB–2947 (formerly PD–602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix D. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) War Production Board may issue to any supplier other and further directions with respect to preparing and filing Form WPB–2947 (formerly PD–602).

(h) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref: M–340.

Issued this 12th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Chemicals subject to this order. (1) "Acetaldol" means the chemical known by that name and by the names aldol, beta hydroxy butyric aldehyde, oxybutanol, 3-hydroxy butanal.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(2) "ST–115" means the preparation known by that trade name, as defined and specified in Appendix to Regulation No. 3 (1942 Revision) of the Bureau of Internal Revenue.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(3) "Dehydrol-O" means the chemical known by that trade name as defined and specified in Appendix to Regulations No. 3 (1942 Revision) of the Bureau of Internal Revenue.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(4) "G. C.–78" means the chemical known by that trade name.

Effective date—August 1, 1943 Comes in the following grades: no grades.

(5) "By-product—phosphoric acid" means phosphoric acid obtained as a by-product in the manufacture of methyl methacrylate.

Effective date—September 1, 1943. Comes in the following grades; no grades.

(6) "Oxidized petrolatum" means high paraffinic petrolatum oxidized and processed to contain aliphatic ketones, and which is suitable for use as a base in the manufacture of rust preventive compounds or corrosion inhibitors meeting specification Nos. AXS–673, 52–C–18 and AN–C–52, such as those petrolatums known by the trade marks Par-Al-Ketone, Alox 707, Alox 701 and Alox 600.

Effective date—October 9, 1943. Comes in the following grades: no grades.

(7) "Vinsol" resin and "Truline" binder means the resins known by those registered trade marks or any similar resin obtained from the oleo-resin of pine wood and having the following properties:

Maximum solubility in petroleum naphtha 20%; complete solubility in lower alcohols; toluene insoluble 10 to 30 per cent; methoxy content 4 to 6 per cent; acid number 90 to 110; softening point (ASTM ball and ring method) 103° to 118° Centigrade.

Effective date—October 9, 1943. Comes in the following grades: no grades.

(8) "Methyl abietate" means the chemical known by that name and by the trade mark "Abalyn"

Effective date—October 9, 1943. Comes in the following grades: no grades.

(9) "Hydrogenated methyl abietate" means the chemical known by that name and by the trade mark "Hercolyn".

Effective date—October 9, 1943. Comes in the following grades: no grades.

(10) [Deleted Oct. 22, 1943.]

(11) "DDT" means the chemical 2, 2-bis (para chlorophenyl) 1, 1, 1-tri-chloroethane, and is also known by the trade name "Neocid".

Effective date—January 1, 1944. Comes in the following grades: no grades.

(12) "Enamel wire naphtha" (also known as E. W. naphtha) means a mixture of aromatic solvents derived from coke oven light oil, drip oil or coal tar, distilling between 150 and 290° C., with at least 15 per cent distilling above 200° C., and containing 20 to 60 per cent monomeric polymerizable constituents of the cumorone-indene type. The term does not include aromatic material for the production of E. W. naphtha, or for the production of cumorone-indene resin, or for the production of other chemicals or intermediates, or for use as solvents in the crude state.

Effective date—February 1, 1944. Comes in the following grades: no grades.

(13) "Methyl Bromide" means the chemical CH_3Br.

Effective date—March 1, 1944. Comes in the following grades: no grade.

APPENDIX B

NOTE: Item (13) added Feb. 12, 1944.

1	2	3	4
Name of chemical	Unit of measure	Maximum quantity deliverable to any one person in any calendar month without specific authorization, and without certificate required by paragraph (f).	Purpose for which delivery may be made without specific authorization, regardless of quantity. (See par (d).)
(1) Acetaldol	Gallon	54 gallons	None.
(2) ST–115	Gallon	54 gallons	None.
(3) Dehydrol-O.	Gallon	54 gallons	None.
(4) G. C.–78	Gallon	54 gallons	None.
(5) By-product phosphoric acid	Ton	5 Tons	None.
(6) Oxidized petrolatum.	Pound	25 pounds	None.
(7) Vinsol resins.	Pound	500 pounds	None.
(8) Methyl abietate.	Pound	5000 pounds	None.
(9) Hydrogenated methyl abietate.	Pound	5000 pounds	None.
(10) Deleted Oct. 22, 1943.			
(11) DDT	Pound	1 pound	None.
(12) E.W. Naphtha.	Gallons	54 gallons	None.
(13) Methyl Bromide	Pound	10 pounds	None.

APPENDIX C—CUSTOMER'S CERTIFICATE OF INTENDED USE

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order No. M–340, that the _____ (specify subject chemical) ordered for delivery in _____, 194__, Month will be used by him for the manufacture or preparation of the following product(s), and that such product(s), on the basis of order(s) filed with the undersigned, will be put to the following end use(s):

	Quantity	Primary product	End use
(A)			
(B)			

_____
Name of purchaser

_____ By _____ _____
Date Duly authorized official Title

Instructions for customer's certificate. (1) The certificate shall be signed by an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

(2) Where a purchaser wishes to receive more than the exempted quantity of each of two or more subject chemicals, a separate certificate shall be obtained as to each.

(3) The purchaser will specify under "Primary product", the exact product or products in the manufacture or preparation of which the subject chemical will be used or incorporated. A distributor ordering the subject chemical for resale as such will specify "resale" or, if ordering exclusively for resale on exempt small orders, will specify "small orders of _____ or less" (specify quantity stated in Column 3 of Appendix B). If purchase is for inventory state "inventory".

(4) Under "End use", purchaser will specify the ultimate or end use to which the primary product will be put. He will also indicate whether civilian, Lend-Lease, other export or military, and if the product is for uses falling in two or more such categories, the percentage falling in each. Also, he will give contract numbers in the case of military use or Lend-Lease, and in the case of export, export license numbers. A distributor ordering the subject chemical for resale as such will leave blank the "End Use" column.

APPENDIX D—SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM WPB–2947 (FORMERLY PD–602)

(1) *Obtaining forms.* Copies of Form WPB–2947 (formerly Form PD–602) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and three copies. File original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M–340, retaining the third copy for your files. The original filed with the War Production Board shall be manually signed by a duly authorized official.

(3) *Separate set for each chemical.* Where the supplier's application relates to deliveries of two or more subject chemicals, he will file a separate set of Form WPB–2947 (formerly Form PD–602) for each.

(4) *Information at top of form.* In the heading, under "Name of Material", specify the subject chemical to which the Form WPB–2947 (formerly Form PD–602) relates; under "Grade", specify grade stated in Appendix A, or if no grade specified, leave blank; under "WPB Order No.", specify "M–340"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of Measure", specify unit of measure stated in Column 2 to Appendix B; under name of company, specify your name and the address of the plant or warehouse from which shipment will be made.

(5) *Listing of customers.* In Column 1 (except for small orders as explained in (7) below) list the name of each customer from whom an order for delivery of the subject chemical during the applicable month has been received. If it is necessary to use more than one sheet to list customers, number each sheet in order and show the grand total on last sheet which is the only one that need be certified.

(6) *Primary product and end use.* In Column 1–a (except for small orders as explained in (7) below) specify the product or products in the manufacture or preparation of which the subject chemical will be used by your customer, the end use to which such product or products will be put, and military or Lend-Lease contract numbers, and export license numbers, all as indicated by the certificate obtained under paragraph (f) of this order. The quantity of the subject chemical used in the manufacture or preparation of each primary product for each product use shall be shown separately. If the subject chemical ordered by a customer is for two or more uses, indicate each use separately and indicate the quantity of the subject chemical ordered for each use.

(7) *Small orders.* The supplier need not list the name of any customer to whom he is to deliver in the applicable month a quantity of the subject chemical not exceeding the maximum quantity (indicated in Column 3 of Appendix B) which he is permitted to deliver to any one person in any calendar month without specific authorization. Also, in the case of any such delivery, he need not show the name of the product or the end use. Instead, he must write in Column 1 "Total small order deliveries (estimated)" and in Column 4, must specify the total estimated quantity of the subject chemical to be delivered on such orders.

(8) *Use by producers.* A producer requiring permission to use a part or all of his own production of the subject chemical shall list his own name as customer in Column 1 on Form WPB–2947 (formerly Form PD–602) specifying quantity required and product manufactured. Written approval of War Production Board on such Form WPB–2947 (formerly Form PD–602) shall constitute authority to the producer to use the subject chemical in the quantity and for the purposes indicated in such approved form.

(9) *Table II.* Each producer will report production, deliveries and stocks as required by Table II, Columns 9 to 16, inclusive. Distributors will fill out only Columns 10, 12 and 13. Producers and distributors will show in Column 8 Grade, as stated in Appendix A, or if no Grade is there specified, will leave Column 8 blank.

[F. R. Doc. 44–2100; Filed, February 12, 1944; 11:11 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–210, Revocation]

MUTUAL CLEANERS, INC.

Mutual Cleaners, Inc., a New Jersey corporation doing business at 181 Culver Avenue, Jersey City, New Jersey, has appealed from Suspension Order No. S–210, issued January 11, 1943. It has presented to the Chief Compliance Commissioner evidence indicating that the machines which were the subject of the suspension order have been released from critical controls and that there is now no shortage of such machines; it has also submitted evidence tending to show that the purposes of the suspension order have been accomplished. Therefore, the Chief Compliance Commissioner has determined that Suspension Order No. S–210 should be revoked.

In view of the foregoing, *It is hereby ordered*, That Suspension Order No. S–210, § 1010.210, be and hereby is revoked.

Issued this 12th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2125; Filed, February 12, 1944; 2:16 p. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[Limitation Order L–106, Revocation]

USE OF COPPER OR COPPER BASE ALLOY PRODUCTS IN AUTOMOTIVE PARTS

Section 3292.66, *Limitation Order L–106*, as amended December 17, 1943, is hereby revoked. This revocation does not affect any liabilities incurred under the order. The manufacture and delivery of automotive parts remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 12th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2126; Filed, February 12, 1944; 2:16 p. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[Conservation Order M–328, as Amended Feb. 10, 1944]

PROVISIONS APPLICABLE TO TEXTILES, CLOTHING AND RELATED PRODUCTS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of textiles, clothing, leather and related products for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.118 *Conservation Order M–328*—(a) *Restrictions on preference ratings for textiles, clothing, leather, etc.* (This paragraph states conditions which must be met to make ratings for items on Schedule A valid. However, even though a rating is not valid for the items, this does not prevent anyone from filling a purchase order if he can do so without disregarding valid ratings on other purchase orders or disregarding other orders or directions of the War Production Board.)

No person shall apply, extend or give any effect to any preference rating heretofore or hereafter assigned, applied, or extended to the delivery of any item on Schedule A unless:

(1) The rating has been assigned by a preference rating form or letter issued by or under the authority of the War Production Board to a named applicant and the form or letter specifically describes the item and specifies the quantity, description and type which may be obtained by the rating. No rating assigned by any L, M, P or other order or by any regulation (such as CMP–5 or CMP–5A) shall be valid for any item on Schedule A, except as permitted by paragraphs (a) (2), (a) (3) or (a) (4). For example, the rating for any fabric to comply with this subparagraph must be assigned on a War Production Board form or letter naming the person to whom the rating is assigned and stating the yardage, type and construction of the fabric for which the rating is assigned, or

(2) The rating has been assigned by or pursuant to a form, order or regulation of the War Production Board and is used to obtain the item for direct or ultimate delivery to, or for incorporation into any material for ultimate delivery to the Army or Navy of the United States (including military exchanges and service departments when the order bears the appropriate endorsement referred to in paragraph (c) of Priorities Regulation 17), the Maritime Commission or War Shipping Administration; or

(3) The rating has been assigned by or pursuant to any supplement to this order or the particular order specified after the item on Schedule A.

(4) The material to be delivered is actually required as, or is required for incorporation in, a functioning part of industrial machinery and is one of the following numbered items on Schedule A: 1, 4, 5, 6, 7, 11, 15, 17, 19.

SCHEDULE A

1. Animal bristles and hair.
2. Closures, apparel and all others which are restricted by L-68.
3. Clothing, footwear (including safety shoes), hats, gloves and all other outer or under garments or apparel, if made in whole or in part of leather or textile yarn, staple fiber or fabrics. This order does not apply to the following when specifically designed and used to furnish protection against specific occupational hazards (other than weather):
   Asbestos clothing.
   Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves.
   Metal mesh gloves, aprons and sleeves.
   Other safety leather gloves or mittens, but only if steel stitched or steel reinforced.
   Plastic and fibre safety helmets.
   Safety clothing impregnated or coated for the purpose of making the same resistant against fire, acids, other chemicals or abrasives.
   Safety industrial leather clothing other than gloves or mittens.
   Safety industrial rubber gloves and hoods and linemen's rubber gloves and sleeves.
4. Combinations of cotton, wool or synthetic yarn.
5. Combination of cotton, wool, or synthetic woven, felted, knitted or braided fabrics. M-166, M-298.
6. Cotton Yarn. L-282, M-317.
7. Cotton woven, knitted or braided fabric. M-166, M-207, M-298, M-317, P-116.
8. Dyestuffs.
9. Eyelets, metal.
10. Findings, shoe (metal) except shoe wire.
11. Hides, skins, furs and leather and products made primarily therefrom (subject to additional restrictions of M-310).
12. Manila, Agave, Istle, Hemp (Cannabis Sativa), Sunn Hemp, Raffia, Flax, Jute, Coir yarn and other fibers, when used for cordage; and cordage products made primarily therefrom. M-84, P-56, P-73, P-98-b.
13. Sponges.
14. Synthetic yarn.
15. Synthetic woven, knitted or braided fabric. M-166.
16. Tacks, cut steel and wire.
17. Textile fibers (animal or vegetable, including sisal processor's mill waste, sisal bagasse, curled istle, etc.), and products made primarily from textile fibers or textiles, not including fabrics which have been coated and not including fire hose. M-85, M-317.
18. Wool and wool yarn.
19. Wool woven, knitted, felted or braided fabric.

(b) *Notation on purchase orders bearing a preference rating.* (1) Any person applying or extending a preference rating shall satisfy the certification requirements of Priorities Regulation 3. In addition, any person applying or extending a preference rating which is permitted by paragraph (a) (1), (a) (2) or or (a) (4) shall place upon the purchase order a notation substantially as follows:

This rating can be used under Order No. M-328.

However, the Army or Navy of the United States, the Maritime Commission and the War Shipping Administration shall not be required to place this notation on their direct purchase orders.

If the rating is assigned by any order listed on Schedule A, the person applying or extending the same shall place upon the purchase order a notation substantially as follows:

This rating has been assigned by Order No. ------ (insert number of order on Schedule A assigning the rating).

This notation is not necessary if the purchase order contains the specific identifying certification prescribed by an order on Schedule A, or if the rating is assigned by the Foreign Economic Administration in the manner provided in paragraph (a) (1) and the purchase order contains a notation substantially as follows:

This rating has been assigned by the Foreign Economic Administration.

(2) *Restriction on extension of ratings.* Notwithstanding the provisions of Priorities Regulation 3, no rating specifically permitted to be used by paragraphs (a) (1), (a) (3) or (a) (4) to obtain any item on Schedule A shall be extended for the delivery of any other item on Schedule A for physical incorporation into the item. For example, a rating for fabric may not be extended to obtain yarn unless to fill an Army, Navy, Maritime Commission or War Shipping Administration order as permitted by subparagraph (a) (2).

(c) *Specific directives.* The war Production Board may issue specific directions to individual producers or processors of items listed in Schedule A, with respect to the production, fabrication, processing or delivery of items to meet particular military or civilian requirements, and no producer or processor shall produce, fabricate, process, deliver or accept delivery contrary to directions.

(d) *Equitable distribution.* (This paragraph does not apply to sales by retailers, inasmuch as the Fair Distribution Policy for retailers is defined in Declaration of Policy of July 15, 1943.) Preference ratings are given to certain orders to further the war program. It is the policy of the War Production Board that items listed in Schedule A not required to fill rated orders shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filing of orders as between persons who meet the seller's regularly established prices and terms of sale or payment.

Under this policy every seller of the items, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location or relationship as affiliated outlets.

It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

(e) *Rejects, over-runs and seconds*—(1) *Definitions.* "Rejects" means anything made to fill a rated order which (i) is so defective that it will be refused if tendered, (ii) the purchaser has refused, or (iii) the purchaser has notified the seller will be refused because of defects, failure to deliver on time, or termination of the procurement of the United States Government or any of its agencies for which the product was ordered. The term also is used to include seconds, over-runs or by products. A "Second" is anything made to fill a rated order but not actually offered or tendered to the purchaser because of defects, or for any other reason. An "Over-run" is anything made to fill a rated order but not delivered because in excess of the quantity actually needed to fill the order. A "By-product" is anything produced entirely or partly from a reject.

(2) *No one may purposely make a reject.* No manufacturer, processor or converter shall manufacture, process or order any product on Schedule A which he knows or should know will be a reject. This paragraph does not prohibit the production of seconds, over-runs or by-products to the extent that they are unavoidable in the manufacturer's operations.

(3) *Restrictions on the disposition of rejects.* No manufacturer, processor or converter shall sell or deliver a reject listed on Schedules B or C, and no one may accept delivery of such reject except as permitted by this subparagraph (e) (3) or by the schedule on which it is listed.

Rejected hides, skins and leather and products made primarily therefrom may be disposed of only as authorized under General Conservation Order M-310.

Any item listed on Schedule A, but not listed on Schedules B or C, or covered as to disposition of rejects by M-310 or by any direction issued pursuant to this order, may be disposed of for use in the United States or to fill a rated order without regard to the limitations of § 944.11 of Priorities Regulation 1.

(4) *How to get needed permission to dispose of a reject.* Any manufacturer who under the terms of this order needs specific permission to dispose of a reject may apply by letter to the War Production Board stating the number of the contract, the amount of material to be produced under it, the kinds of such material, a detailed statement of quantities and kinds of rejects, a copy of the rejection, and a statement of the efforts he has made to dispose of the rejects to the buyer. If the War Production Board decides he ought to be allowed to dispose of the reject, it will give him specific instructions.

(5) *Effect of specific instructions on disposition.* The War Production Board may issue specific instructions in writing to anyone respecting the use and disposition of rejects or material obtained with priorities assistance, but not used for the purpose for which the priorities assistance was given. These instructions may relate to rejects not yet manufactured on the date of their issuance. They must be obeyed even if they conflict with other provisions of this order.

(6) *Reports.* Manufacturers of textile, clothing and leather products shall report their rejects at such times and in such manner as the War Production

Board may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(7) *Records.* All persons affected by this order shall keep for at least two (2) years records showing the quantities and kinds of rejects produced by them and the disposition thereof.

SCHEDULE B—REJECTS WHICH MAY BE DELIVERED ONLY ON SPECIFIC AUTHORIZATION OF THE WAR PRODUCTION BOARD

Equipage: Military luggage and sleeping bags.
Plain print cloth, 80 sley and higher, finished and unfinished, if not seconds or shorts.
Slide fasteners.
Silk and nylon yarn, silk and nylon woven, knitted and braided fabrics.

SCHEDULE C—REJECTS, IF NOT SECONDS OR SHORTS, WHICH MAY BE DELIVERED ONLY FOR USE IN THE UNITED STATES AND ONLY FOR THE SPECIFIED END USES STATED BELOW, OR TO FILL A RATED ORDER

8.5 oz. herringbone twill for footwear and foundation garments.
8.2 oz. twill, Types I, II, III, IV and V, for footwear, foundation garments and clothing.
30" 2.50 drill and pro-rata widths, for mattress or pillow tickings, pocketings, footwear and clothing.
6 oz. combed twill for clothing.
7.5 oz combed navy twill for footwear and foundation garments.
5 oz. wind resistant poplin for foundation garments and clothing.
9 oz. sateen for foundation garments, footwear and clothing.

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* Except as otherwise provided herein, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(2) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications.* All reports to be filed hereunder and communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref: M-326.

(4) *Appeals.* Any appeal from the provisions of paragraphs (c), (d) or (e) of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from, and stating fully the grounds of the appeal. An appeal for suspension of a direction under paragraph (c) may be made on the ground that compliance with the direction will result in production at a loss, provided that an application for price relief on that ground is first filed with the Secretary of the Office of Price Administration, Washington, D. C., and a copy is filed with the WPB appeal. If the WPB appeal is granted, requirements of a direction for increases above current production will be suspended until the decision by the Office of Price Administration upon the application for price relief. This paragraph does not indicate or limit the extent or kind of price relief, if any, which may be granted by the Office of Price Administration.

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2144; Filed, February 14, 1944; 11:20 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Corr. to Amdt. 67]

TIRES, TUBES, RECAPPING AND CAMELBACK

The tire size reading "7.50-24" in the list of obsolete size tires in section 503 (b) (2) in Amendment 67 to Ration Order No. 1A is corrected to read "7.50-14."

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2112; Filed, February 12, 1944; 11:39 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 306,[2] Amdt. 26]

CERTAIN PACKED FOOD PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 306 is amended in the following respects:

1. Section 1341.584 (f) (4) (iii) is amended to read as follows:

(iii) The maximum price for any variety, style, grade and size of asparagus packed:

(*a*) In No. 303 cans, shall be 85% of the maximum price for the same variety, style, grade and size packed in No. 2 cans;

(*b*) In No. 55 (211 X 300) cans, shall be 55% of the maximum price for the same variety, style, grade and size packed in No. 2 cans;

(*c*) In No. 1 (picnic) cans, shall be 70% of the maximum price for the same variety, style, grade and size packed in No. 2 cans;

(*d*) In No. 300 (300 X 407) cans, shall be 78% of the maximum price for the same variety, style, grade and size packed in No. 2 cans.

2. In § 1341.584 (f), subparagraph (5) is redesignated (6) and the phrase, "subparagraphs (1), (2), (3) or (4) (iii)" in the redesignated subparagraph (6) is amended to read, "subparagraphs (1), (2), (3) or (4)". A new subparagraph (5) is added to read as follows:

(5) If the processor cannot establish a maximum price for such variety, style, grade and size under the foregoing provisions of paragraph (f) or of §§ 1341.557 or 1341.588, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, as provided in § 1341.563.

3. Section 1341.584 (d) (7) (iv) is added to read as follows:

(iv) In No. 55 (211 x 300) cans, shall be 55% of the maximum price for the same variety, style, sieve size (including blends) and grade packed in No. 2 cans.

4. Section 1341.585 (a) (2) (i) (*b*) is amended to read as follows:

(*b*) Add to the figure so obtained the 1943 raw vegetable cost per dozen containers determined by dividing the weighted average of the prices per ton or other unit paid or contracted to be paid by the processor to the grower for the raw vegetables in 1943, based on not less than the first 75% of his purchases, by the dozen container yield per ton or other unit as required to be used in computing his 1942 maximum price. However, in no event shall the 1943 raw vegetable cost exceed the applicable support price of the War Food Administration for the area where the processor's factory is located, except that where the processor purchases any of the raw vegetables in Group II in a support price area other than in which his factory is located, his 1943 raw vegetable cost shall not exceed the applicable support price for the area in which the raw vegetables were grown, with respect to the quantities so purchased, and he may add with respect to such quantities the actual cost of transportation to his factory at the lowest available common or contract carrier rate.

5. Section 1341.585 (a) (3) (i) (*b*) is amended to read as follows:

(*b*) For raw vegetables in Group II, deduct the 1942 raw vegetable cost for such vegetables as required to be used in computing maximum prices for the 1942 pack and add to the figure so obtained the 1943 raw vegetable cost per dozen containers determined by dividing the weighted average of the prices per ton or other unit paid or contracted to be paid by the processor to the grower for the raw vegetables in 1943, based on not less than the first 75% of his purchases, by the dozen container yield per ton or other unit as required to be used in computing his 1942 maximum price.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9752, 1079, 10085, 10264, 10430, 1073, 11480, 11952, 11846, 12013, 12711, 13247, 13293, 13372, 13845, 13706, 13846, 13395, 14049, 14737, 15523, 16245, 16245, 16246, 16695, 16894, 17326; 9 F.R. 89, 692.

[2] 8 F.R. 16896, 17224, 17295, 17482; 9 F.R. 287, 96.

However, in no event shall the 1943 raw vegetable cost exceed the applicable support price of the War Food Administration for the area where the processor's factory is located, except that where the processor purchases any of the raw vegetables in Group II in a support price area other than in which his factory is located, his 1943 raw vegetable cost shall not exceed the applicable support price for the area in which the raw vegetables were grown, with respect to the quantities so purchased, and he may add with respect to such quantities the actual cost of transportation to his factory at the lowest available common or contract carrier rate.

6. Section 1341.585 (a) (4) is amended to read as follows:

(4) *Maximum prices for vegetables and vegetable juices in Groups I, II, and III in certain instances.* (i) Any processor who established a maximum price for any variety, style, grade and container type and size of the 1942 pack of any particular item in Group I, II, or III by the adoption of a competitor's maximum price shall adopt the same competitor's maximum price for the 1943 pack of the same item: *Provided,* That as to all the vegetables in Group II, and any mixture of vegetables in Group III which contains a vegetable for which the War Food Administration has announced a support price, the competitor shall be one in the same support price area.

(*a*) Where the same competitor does not pack such item in 1943 or, as to Group II and III vegetables for which a support price is named, he is located in a different support price area, the processor shall establish his maximum price for the item by adopting his closest competitive seller's maximum price for the 1943 pack of the same variety, style, grade and container type and size: *Provided,* That as to all vegetables in Group II and any mixture of vegetables in Group III which contains a vegetable for which the War Food Administration has announced a support price, the competitor shall be one in the same support price area.

(ii) Where the processor did not pack the same variety, style, grade and container type and size of any particular item in Group I, II or III in 1942, the maximum price of his closest competitive seller for the same variety, style, grade and container type and size of the 1943 pack shall be the processor's maximum price: *Provided,* That as to vegetables in Group II and any mixture of vegetables in Group III which contains a vegetable for which the War Food Administration has announced a support price, the competitor shall be one in the same support price area.

(iii) The maximum price for any variety, style and grade of any particular item in Group I, II, or III packed.

(*a*) In No. 303 cans, shall be 85% of the maximum price for the same variety, style and grade packed in No. 2 cans;

(*b*) In No. 55 (211 x 300) cans, shall be 55% of the maximum price for the same variety, style and grade packed in No. 2 cans;

(c) In No. 1 (picnic) cans, shall be 70% of the maximum price for the same variety, style and grade packed in No. 2 cans.

(iv) In the event that a processor cannot establish his maximum price under the provisions of the regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price as provided in § 1341.563.

7. Section 1341.583 (g) (1) (i) is amended to read as follows:

(i) Determine the weighted average price per dozen containers or other unit of sale of brined cherries processed from cherries of the 1941 crop charged by the processor, f. o. b. factory, for the same variety, style, grade, size and container during the period from September 1 through November 30, 1941. "Weighted average price" shall be the total gross sales dollars charged for each variety, style, grade, size and container divided by the number of dozens of containers or other units of sale sold of such variety, style, grade, size and container. All sales contracts made in the regular course of business during the base period (September 1, through November 30, 1941) shall be included, regardless of the date of delivery, except sales contracts made with the United States. Sales contracts made at times other than during the base period shall not be included, even though delivery was made during the period.

8. Section 1341.583 (g) (1) (vi) is added to read as follows:

(vi) A processor who purchases and uses red sour cherries in processing brined cherries shall determine his maximum price under paragraph (g) except that in making the subtraction under subparagraph (1) (iii) and the addition under subparagraph (1) (v) he shall:

(*a*) Subtract his 1941 weighted average red sour cherry cost converted into units of the finished product; and

(*b*) Add to the difference figured by making this subtraction the 1943 weighted average raw fruit cost converted into units of the finished product. However, in figuring the 1943 weighted average cost of red sour cherries, the processor shall base his calculation on not less than 75% of his purchases of red sour cherries of the 1943 crop purchased and used by him in processing brined cherries and in no event shall the raw fruit cost for red sour cherries of the 1943 pack be in excess of 8½ cents per pound.

9. Section 1341.583 (h) (6) is added to read as follows:

(6) A processor who purchases and uses red sour cherries in the brining of cherries for use in processing maraschino and glace (drained) cherries shall determine his maximum price under paragraph (h) except that in making the subtraction under subparagraph (1) (i) and the addition under subparagraph (1) (ii) he shall:

(i) Subtract his 1941 weighted average red sour cherry cost converted into units of the finished product; and

(ii) Add to the difference figured by making this subtraction the 1943 weighted average raw fruit cost converted into units of the finished product. However, in figuring the weighted average cost of red sour cherries, the processor shall base his calculation on not less than 75% of his purchases of red sour cherries of the 1943 crop purchased and used by him in processing maraschino and glace (drained) cherries and in no event shall the raw fruit cost for red sour cherries of the 1943 pack be in excess of 8½ cents per pound.

10. The table of States in § 1341.584 (b) (2) is amended in the following respects:

a. In Region IV the reference to the State of Idaho is amended to read as follows:

Idaho (portion of State not included in Region V).

b. In Region V Idaho is added in its alphabetical order to read as follows:

Idaho (Boundary, Bonner, Kootenai, Benewah, Latah, Nez Perce, Lewis, Idaho, Clearwater and Shoshone Counties).

11. The table of States in § 1341.584 (d) (2) is amended in the following respect.

a. In Region VI the reference to Southwestern Idaho is amended to read as follows:

Idaho (Washington, Payette, Gem, Canyon, Ada, Owyhee, Boundary, Bonner, Kootenai, Benewah, Latah, Nez Perce, Lewis, Idaho, Clearwater and Shoshone Counties).

12. Section 1341.551 (k), (l) and (m) are amended to read as follows:

(k) "Packed fruits" includes any specified fruit or mixture of fruits and the juice or any mixture of juices of specified fruits, when processed and enclosed in containers, whether or not hermetically sealed. However, this term shall not include any product when processed by freezing or dehydrating.

(l) "Packed vegetables" includes any specified vegetable or mixture of vegetables and the juice or any mixture of juices of specified vegetables, when processed and enclosed in containers, whether or not hermetically sealed. However, this term shall not include any product when processed by freezing or dehydrating.

(m) "Packed berries" includes any specified berry or mixture of berries and the juice or any mixture of juices of specified berries, when processed and enclosed in containers whether or not hermetically sealed. However, this term shall not include any product when processed by freezing or dehydrating.

13. Section 1341.582 is amended to read as follows:

§ 1341.582 *Notification of change in maximum price.* With the first delivery of any item covered by this regulation, in any case where a maximum price, once established pursuant thereto, is thereafter changed by amendment to the regulation or pursuant to the provisions of § 1341.586, Appendix D, the processor making such change, and dis-

tributors other than wholesalers or retailers making a corresponding change in their maximum prices, shall supply each wholesaler and retailer purchaser with written notice as set forth below:

_____
(Insert Date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for _____
(Describe item)
has been changed under the provisions of Maximum Price Regulation No. 306. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation Nos. 421, 422 and 423, you must refigure your ceiling price for the item in accordance with the applicable provisions of those regulations (see section 6 in each case). You must refigure your ceiling price on the first delivery of this item to you containing this notification after (*insert effective date of amendment authorizing change in maximum price*).

For a period of 90 days after making such change in the maximum price of an item, and with each shipment after the 90 day period to a person who has not made a purchase within that time, the processor shall include in each case or carton containing the item, the written notice set forth above, or securely attach it to the outside of the case or carton. On the outside of the unit in which the notice is enclosed a legend shall be affixed as follows: "Notice of OPA Ceiling Price Change Enclosed." However, for sales direct to any retailer, the processor may supply the notice by attaching it to, or stating it on, the invoice covering the shipment instead of providing it with the goods.

The processor shall notify all purchasers of the item who are distributors other than wholesalers or retailers of such change in maximum price by written notice attached to or stated on the invoice issued in connection with the first transaction with such purchaser after making such change, as follows:

_____
(Insert Date)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS OR RETAILERS

Our OPA ceiling price for _____
(describe item)
has been changed from $_____ to $_____ under the provisions of Maximum Price Regulation No. 306. You are required to notify all retailers and wholesalers purchasing the item from you after (*insert effective date of amendment authorizing change in maximum price*) of the corresponding change in your maximum price. The notice must be made in the manner prescribed in § 1341.582 of Maximum Price Regulation No. 306. However, such notification may be accomplished by delivery of notice contained in the shipping unit of the item bearing the legend "Notice of OPA Ceiling Price Change Enclosed."

This amendment shall become effective February 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2117; Filed, February 12, 1944; 11:40 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 103]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.7706 (x) (7) is added to read as follows:

(7) A duly authorized representative of the United Service Organizations, Inc. for travel in a passenger automobile or motorcycle on the official business of the United Service Organizations, Inc. if the vehicle is owned or leased by the United Service Organizations, Inc. or if the representative receives compensation from the United Service Organizations, Inc., for the vehicle used by him in such travel and for his personal services.

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed travel to supervise the activities of the United Service Organizations.

2. Section 1394.7706 (x) (8) is added to read as follows:

(8) A member of a County or Local Salvage Committee sponsored by the War Production Board for travel on the official business of such Committee.

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed performance of official business.

(ii) No mileage in excess of the general limitation of an average of 460 miles per month in Area A and Area B for non-preferred occupational mileage (325 miles per month in the gasoline shortage area) shall be allowed under this subparagraph (8) unless such excess mileage is for travel on which the applicant is exclusively engaged in the performance of his duties as such member, and such excess mileage for such purpose shall not exceed an average of 360 miles per month for any one vehicle or for any such member.

3. Section 1394.8055 is added to read as follows:

§ 1394.8055 *Limitation on restoration of mileage lost by a reduction in unit value of coupons.* Whenever any employee of a facility or establishment described in § 1394.7706 (o) for which a plant transportation committee has been established suffers a loss of mileage in respect to a supplemental ration for driving to and from his occupation at such plant or facility caused by a reduction of the unit value of Class A, B or C coupons made after February 16, 1944, or by an extension of the valid period of the A coupon, no Board shall allow any mileage or issue a ration which will in any way compensate for such loss of mileage unless:

(a) The appropriate District Director, after an investigation and subject to general standards prescribed by the Office of Price Administration, Washington, D. C., has designated such facility or establishment as one whose employees shall be eligible for a restoration of such loss of mileage; or

(b) The applicant in such a case established by clear and convincing proof that a bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) are regularly carried in the vehicle for the purpose of going to and from their occupations, or that no such ride-sharing arrangement exists but as many passengers as the capacity of the vehicle permits, are being transported in the vehicle.

This amendment shall become effective February 17, 1944.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562; E.O. 9125, 7 F.R. 2719)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2113; Filed, February 12, 1944; 11:39 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 104]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. A center headnote preceding § 1394.8341 is added to read as follows: *"Non-Highway Gasoline Purchase Receipt Books in the St. Paul Test Area."*

2. Sections 1394.8341 through 1394.8349 are added to read as follows:

§ 1394.8341 *General.* (a) The following sections under this heading provide for the issuance of certain rations by issuing Non-Highway Gasoline Purchase Receipt Books (OPA Form No. R–582). These sections apply only if the rations are issued in the St. Paul Test Area. This area consists of the counties of Washington, Dakota, and Goodhue in the State of Minnesota.

§ 1394.8342 *When Non-Highway Gasoline Purchase Receipt Book is to be issued.* (a) Where the Board would otherwise issue to a consumer Class E or R coupon books as a non-highway ration for use in connection with farming (or as a non-highway ration for other users designated by the St. Paul District Director), the Board shall not issue such coupon books but shall, instead, issue

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 15937.

[1] 8 F.R. 15937.

one Non-Highway Gasoline Purchase Receipt Book (OPA Form No. R–582), if the ration is to be used to acquire gasoline by bulk transfers into the consumer's storage tanks or the fuel tank of his non-highway equipment at a place other than the supplier's establishment. (Non-Highway Gasoline Purchase Receipt Books shall not be issued to dealers or distributors.)

§ 1394.8343 *Issuing the Non-Highway Gasoline Purchase Receipt Book.* (a) Before issuing the Non-Highway Gasoline Purchase Receipt Book, the Board shall fill out the Certification of Account on the cover of the book, stating among other things, the first day on which the book may be used, the amount of the ration in gallons, and the earliest renewal date of the ration. The Board shall also note its number and address on the back of each Non-Highway Gasoline Purchase Receipt in the book.

(b) The consumer must sign the Certification of Account before using the Non-Highway Gasoline Purchase Receipt Book.

§ 1394.8344 *Deliveries to consumers in exchange for Non-Highway Gasoline Purchase Receipts*—(a) *General.* The Non-Highway Gasoline Purchase Receipt Book issued to a consumer contains Non-Highway Gasoline Purchase Receipts with a stub for each receipt. These receipts are evidences. They may be used by the consumer to acquire gasoline by bulk transfers into his storage tanks or the fuel tank of his non-highway equipment at a place other than the supplier's establishment. However, they may be so used only under the conditions stated in this section.

(b) *Time when the consumer must surrender the receipts.* The consumer must issue the receipt (and the dealer or distributor must get it) at the time he acquires the gasoline. However, if either is absent when the gasoline is transferred by delivery, he may, at the supplier's option, issue the receipt after the delivery. (The supplier may be absent because delivery is made by a common or contract carrier.) In that case, he must issue the receipt (and the supplier must get it) within 7 days after the delivery, or at the time the gasoline is paid for if that takes place within the 7 days.

(c) *Stub and receipt must be filled out by consumer.* Before the consumer issues the receipt, he must fill it out and sign it. He must also fill out the accompanying stub. The receipt and the stub must each show, among other things:

(1) The date the receipts is issued;
(2) The name and address of the supplier;
(3) The amount of gasoline acquired;
(4) The date of acquisition; and
(5) The amount of the ration less the total amount for which previous receipts from the Non-Highway Gasoline Purchase Receipt Book have been issued.

(d) *Certification of account must be shown to the supplier.* The consumer must show the Certification of Account to the supplier when the gasoline is delivered (unless either is absent at the time).

(e) *Period when transfers may be made.* A Non-Highway Gasoline Purchase Receipt does not authorize the transfer of gasoline to the consumer before the validity date stated on the Certification of Account. A consumer may not issue a receipt after the ration expires.

(f) *Amount that may be transferred.* A Non-Highway Gasoline Purchase Receipt authorizes the transfer of an amount of gasoline not in excess of the balance authorized to be transferred, as shown on the receipt and the accompanying stub. No consumer shall issue a Non-Highway Gasoline Purchase Receipt for or acquire an amount of gasoline which when added to the gasoline already acquired by him (on the basis of the Certification of Account) will exceed the amount authorized to be transferred by the Certification of Account. No dealer or distributor shall transfer gasoline to a consumer or accept a receipt from him if he knows or has reason to believe that the consumer is not permitted to acquire the gasoline or issue the receipt.

(g) *Advance surrender prohibited.* Non-Highway Gasoline Purchase Receipt Books may not be deposited by consumers with dealers or distributors or received for deposit from consumers by dealers or distributors. Non-Highway Gasoline Purchase Receipts may not be issued by consumers or received from them by dealers or distributors before the transfer of the gasoline.

(h) This section constitutes an exception to § 1394.8152, in addition to the other exceptions stated in that section.

§ 1394.8345 *Altered, mutilated, lost, stolen or destroyed Non-Highway Gasoline Purchase Receipts.* (a) No Non-Highway Gasoline Purchase Receipt which has been altered, mutilated, or partially destroyed (or which contains an erasure) may be issued, transferred or deposited. A person who holds such a receipt shall return it to the consumer who issued it with a request for a new receipt. If he is unable to locate the consumer, or to obtain a new receipt from him, he shall deliver the receipt to the St. Paul, Minnesota, District Office, with a statement signed by him of all the circumstances.

(b) A person who loses or unintentionally destroys a receipt issued or transferred to him or from whom such a receipt is stolen, shall notify the consumer who issued it in writing of the circumstances of the loss or destruction and request that a new receipt be issued to him. If he is unable to locate the consumer, or to obtain a new receipt from him, he shall send to the St. Paul, Minnesota, District Office a statement signed by him of all the circumstances.

(c) A consumer to whom an altered, mutilated, or partially destroyed receipt (or one containing an erasure) issued by him is returned or who receives a request for the replacement of a lost, destroyed or stolen receipt issued by him, may issue a new receipt. If he does so, he must enter on the stub of the original receipt the fact that it has been lost, stolen, altered, mutilated, or partially or completely destroyed, and on the stub of the new receipt the fact that it replaces the original receipt. Every consumer shall immediately send to the St. Paul, Minnesota, District Office a written description of any receipt issued by him and lost, destroyed or stolen, and a description of any receipts issued to replace them.

§ 1394.8346 *Disposition of book and unused and mutilated receipts; getting additional books*—(a) *When consumer applies for adjustment or renewal of ration.* When the consumer applies for an adjustment or a renewal of the ration for which he was given a Non-Highway Gasoline Purchase Receipt Book, he must, as a condition of getting the further or renewal ration, surrender to the Board the book along with all unused and voided Non-Highway Gasoline Purchase Receipts whether or not still attached to the stubs.

(b) *Additional book for current ration.* If the consumer has used all the receipts in his Non-Highway Gasoline Purchase Receipt Book but has issued receipts for an amount of gasoline less than the amount authorized to be transferred by the Certification of Account, he may, on application to his Board, get another Non-Highway Gasoline Purchase Receipt Book for the difference. However, he must first surrender to the Board the old book along with all unused and voided Non-Highway Gasoline Purchase Receipts whether or not still attached to the stubs.

(c) *Replacement of book for current ration; mutilated Certification of Account.* No Non-Highway Gasoline Purchase Receipt Book may be used if the Certification of Account has been altered, mutilated, or partially or completely destroyed (or which contains an erasure). If the consumer has such a book, or if the book is lost, destroyed or stolen, and if the consumer has issued receipts for an amount of gasoline less than the amount authorized to be transferred by the Certification of Account, he may, on application to his Board, get another Non-Highway Gasoline Purchase Receipt Book for the difference. However, he must first surrender to the Board the old book along with all unused and voided Non-Highway Gasoline Purchase Receipts whether or not still attached to the stubs.

(d) *Expiration of ration.* If the consumer's ration expires, he must within 5 days surrender the book to the Board along with all unused and voided receipts whether or not still attached to the stubs.

(e) The consumer's obligation to surrender the book or receipts may be excused by the Board if lost, stolen or destroyed, or for other good cause.

§ 1394.8347 *Substitution of Non-Highway Gasoline Purchase Receipt Book for E and R coupons already issued.* (a) If, upon the renewal of his current ration, a consumer would receive a Non-Highway Gasoline Purchase Receipt Book (pursuant to § 1394.8342) and he has been given only E or R coupons for his current ration, he may, by applying to his Board, get a renewal ration before the earliest renewal date of his current

ration. If he does so apply, his current ration shall expire and he must surrender his E and R coupons to the Board in the manner required by § 1394.8102.

§ 1394.8348 *Use of Non-Highway Gasoline Purchase Receipts by dealers and distributors.* (a) Dealers and distributors may transfer or deposit Non-Highway Gasoline Purchase Receipts in the same manner that they may transfer or deposit checks received in exchange for gasoline. The dealer or distributor who obtained the receipt from the consumer must endorse the receipt by signing the certification, and inserting the number of the invoice, delivery ticket, or other document of transfer, if any, on the back of the receipt.

§ 1394.8349 *Exceptions by District Director or Director of Automotive Supply Rationing Division.* (a) The Director of the Automotive Supply Rationing Division, Washington, D. C., or the St. Paul District Director may modify any of the provisions contained in §§ 1394.8341 through 1394.8348 (or grant exceptions thereto) covering the issuance or use of Non-Highway Gasoline Purchase Receipt Books or Receipts. (Action taken under this section shall not include modification of any other provision of this order.)

This amendment shall become effective February 17, 1944.

NOTE: The reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2111; Filed, February 12, 1944; 11:37 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[1] Amdt. 94]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5253 (b) is redesignated § 1394.5732 (d) and is amended to read as set forth in paragraph 3 below.

2. Section 1394.5656 is redesignated § 1394.5732 (b) and is amended to read as set forth in paragraph 3 below.

3. Section 1394.5732 is amended to read as follows:

§ 1394.5732 *Records to be kept by dealers, primary suppliers and others—*

(a) *Transfers within the trade—*(1) *All transfers.* Every person (other than as a consumer), whether within or without the limitation area, who makes a transfer of fuel oil to any dealer or primary supplier within the limitation area shall furnish to such dealer or primary supplier an invoice, delivery ticket, or other customary document of transfer showing the name and address of the transferor and transferee, the date and amount of the fuel oil transferred and the place where delivered. The transferor shall make, and keep at his place of business for a period of at least two years from the date of transfer, a copy of the invoice, delivery ticket or other customary document so furnished by him. The transferee shall retain at his place of business for a period of at least two years from the date of the transfer the invoice, delivery ticket or other document so furnished him. In addition, if evidences of a gallonage value equal to the amount of the fuel oil transferred are surrendered at the time of the transfer, the transferor and the transferee shall each note that fact on his copy of the invoice, delivery ticket or other record. If the surrender of evidences is required for the transfer and if evidences of a gallonage value equal to the amount of the fuel oil transferred are not surrendered at the time of the transfer, the transferor and transferee shall also comply with the record requirements of whichever of the following two subparagraphs is applicable.

(2) *Additional requirements when evidences are to be surrendered after the transfer.* Whenever a dealer or primary supplier does not at or before the time of the transfer surrender evidences of a gallonage value equal to the amount of the fuel oil transferred, the transferor and the transferee shall each, immediately following the transfer, make a record showing the name and address of the transferee and transferor, that evidences of a gallonage value equal to the amount of the fuel oil transferred were not surrendered at the time of transfer, the date and amount of the fuel oil transferred and the place where delivered. Immediately following the surrender of evidences for that transfer, the transferor and the transferee shall each note on the record the date when the evidences were surrendered and the aggregate gallonage value of those evidences. The records required by this subparagraph shall be retained at the place of business of the transferor and transferee for a period of at least two years from the date of the transfer of the fuel oil.

(3) *Additional requirements when evidences are surrendered in advance of delivery.* Whenever evidences are surrendered by a dealer or primary supplier to a transferor in advance of a transfer of fuel oil, the transferor and the transferee shall each, immediately following the surrender of the evidences, make a record showing the name and address of the transferee and transferor, the aggregate gallonage value of the evidences surrendered, the date of surrender and that they were surrendered in advance of the transfer of the fuel oil. Immediately following any transfer of fuel oil against those evidences, the transferor and the transferee shall each note on the record the date and amount of each transfer made or received against those evidences and the place where delivered. The records required by this subparagraph shall be retained at the place of business of the transferor and transferee for a period of at least two years from the date the evidences are surrendered.

(b) *Transfers to consumers.* Every dealer and primary supplier shall, immediately following the transfer, make and retain at his place of business for a period of at least 2 years from the date of transfer, a record of each transfer to a consumer of an amount of fuel oil in excess of 10 gallons. Such record shall show the name and address of the consumer, the date of the transfer, the amount of the fuel oil transferred and the place where delivered and whether or not evidences of a gallonage value equal to the amount of the fuel oil transferred are surrendered at the time of the transfer. If evidences of such gallonage value are not surrendered at the time of the transfer, the transferor shall immediately following the surrender of evidences for that transfer, note on the record the date when the evidences were surrendered and the aggregate gallonage value of the evidences surrendered. When a ration check is issued by a consumer in advance of a fuel oil transfer, the transferor's record shall also show the date the check was received, the gallonage value of the check, and that it was issued in advance of the transfer of the fuel oil. Immediately following any transfer of fuel oil against that check, the transferor shall note on the record the date and amount of each transfer made against that check.

(c) *Records and devices showing fuel oil on hand.* Every dealer and primary supplier shall retain at his place of business for a period of at least 2 years from the date of his registration, all receipts, invoices, and other records showing the fuel oil on hand at the time of his registration. He shall also keep at his place of business at all times, all records and equipment including charts, tables, tank gauges, measuring tapes, rods and other devices regularly used by him to determine the amount of fuel oil on hand.

(d) *Records relating to consumer's past consumption.* Each dealer or primary supplier who furnished to a consumer the certification required by § 1394.5253 (a) showing the total amount of fuel oil purchased from such dealer or supplier shall retain at his place of business, for a period of at least two years from the date of such certification, all records on the basis of which such certification was made.

(e) *Other records.* Further record-keeping requirements to be observed by dealers and primary suppliers are set forth in §§ 1394.5687 (d) (entries on check stubs), 1394.5701 (d) (5) (additional records to be kept by dealers who commingle fuel oil), 1394.5704 (c) (certificate of registration), 1394.5721 (use of gummed sheet), 1394.5722 (summary of

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480.

coupons), and section 6.4 of Revised General Ration Order 3A (retention of checks, stubs, deposit slips and statements of account—ration banking).

4. Section 1394.5687 (d) is amended by adding after the period at the end of the paragraph the sentences, "If the check is issued in advance of the transfer of the fuel oil, the consumer's record shall also show that it was issued in advance of the transfer. Immediately following the receipt of any transfer of fuel oil against that check, he shall note on the record the date and amount of each transfer so received. If the check is issued after the transfer of fuel oil, that record shall also show the date and amount of each transfer for which the check is issued."

This amendment shall become effective on February 17, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Directive No. 1, 7 F.R. 562; Supp. Directive No. 1–O, as amended, 8 F.R. 14199; E.O. 9125, 7 F.R. 2719)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2114; Filed, February 12, 1944; 11:39 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 288,[1] Amdt. 19]

CANNED FOODS IN ALASKA

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 288 is amended in the following respects:

1. Section 1418.363 (j) Table X, "Maximum retail prices for canned fruit, vegetable and other juices", is amended by changing the maximum prices of certain items, in certain localities, to read as follows:

Brand	Style	Description	Container size or net weight	Ketchikan	Wrangell	Petersburg	Juneau-Douglas	Skagway-Haines	Sitka	Cordova	Valdez	Seward	Kodiak	Anchorage	Palmer	Fairbanks	Nome
Apple juice—glass:			*Ounces*														
New West			12	$0.17	$0.17	$0.17	$0.17	$0.17	$0.17	$0.18	$0.18	$0.18	$0.19	$0.22	$0.24	$0.25	$0.20
New West		Natural	32	.36	.37	.37	.37	.38	.38	.40	.40	.40	.40	.46	.49	.51	.43
Pineapple juice—tin:																	
Del Monte			46	.48	.48	.48	.49	.50	.50	.52	.52	.52	.53	.59	.61	.65	.57
Miscellaneous juices—tin:																	
V–8		Vegetable	46	.41	.41	.41	.41	.41	.42	.44	.44	.44	.45	.50	.52	.56	.48

2. Section 1418.363 (k) Table XI, "Maximum retail prices for canned soups", is amended by changing the maximum prices of certain items, in certain localities, to read as follows:

Brand	Description	Container size or net weight	Ketchikan	Wrangell	Petersburg	Juneau-Douglas	Skagway-Haines	Sitka	Cordova	Valdez	Seward	Kodiak	Anchorage	Palmer	Fairbanks	Nome
		Ounce														
Campbell's	Asparagus soup	10½	$0.15	$0.15	$0.15	$0.15	$0.15	$0.15	$0.16	$0.16	$0.16	$0.16	$0.17	$0.17	$0.19	$0.17
Campbell's	Beef soup	10½	.18	.19	.19	.19	.19	.19	.19	.19	.19	.20	.21	.21	.22	.20
Campbell's	Bouillon	10½	.18	.19	.19	.19	.19	.19	.19	.19	.19	.20	.21	.21	.22	.20
Campbell's	Chicken soup	10½	.20	.21	.21	.21	.21	.21	.21	.21	.21	.22	.23	.23	.24	.22
Campbell's	Chicken gumbo soup	10½	.18	.19	.19	.19	.19	.19	.19	.19	.19	.20	.21	.21	.22	.20
Campbell's	Chicken noodle soup	10½	.18	.19	.19	.19	.19	.19	.19	.19	.19	.20	.21	.21	.22	.20
Campbell's	Clam chowder	10½	.15	.15	.15	.15	.15	.15	.16	.16	.16	.16	.17	.17	.19	.17
Campbell's	Consomme	10½	.18	.19	.19	.19	.19	.19	.19	.19	.19	.20	.21	.21	.22	.20
Campbell's	Mock turtle soup	10½	.15	.15	.15	.15	.15	.15	.16	.16	.16	.16	.17	.17	.19	.17
Campbell's	Oxtail soup	10½	.15	.15	.15	.15	.15	.15	.16	.16	.16	.16	.17	.17	.19	.17
Campbell's	Pea soup	10½	.15	.15	.15	.15	.15	.15	.16	.16	.16	.16	.17	.17	.19	.17
Campbell's	Pepper pot soup	10½	.15	.15	.15	.15	.15	.15	.16	.16	.16	.16	.17	.17	.19	.17
Campbell's	Scotch broth	10½	.15	.15	.15	.15	.15	.15	.16	.16	.16	.16	.17	.17	.19	.17
Campbell's	Tomato soup	10½	.11	.11	.11	.12	.12	.12	.12	.12	.12	.12	.14	.14	.15	.13
Campbell's	Vegetable soup	10½	.16	.16	.16	.16	.16	.16	.17	.17	.17	.17	.18	.19	.20	.18
Campbell's	Vegetable beef soup	10½	.18	.19	.19	.19	.19	.19	.19	.19	.19	.20	.21	.21	.22	.20

3. Section 1418.363 (l) Table XII, "Maximum retail prices for canned fruit", is amended by changing the maximum prices of certain items, in certain localities; correcting the net weight of Dole fancy sliced pineapple to read 1 lb. 14 oz. instead of 1 lb. 13 oz., and correcting the net weight of Waikiki pineapple, broken slices, to read 1 lb. 13 oz. instead of 1 lb. 14 oz., as set forth below.

Brand	Style	Description	Container size or net weight	Ketchikan	Wrangell	Petersburg	Juneau-Douglas	Skagway-Haines	Sitka	Cordova	Valdez	Seward	Kodiak	Anchorage	Palmer	Fairbanks	Nome
Berries—tin:																	
Happy Home	Fancy red	Raspberries	1 lb. 5 oz	$0.43	$0.43	$0.43	$0.43	$0.43	$0.44	$0.44	$0.44	$0.44	$0.45	$0.48	$0.49	$0.49	$0.47
Cherries—tin:																	
Fernbrook	Standard	Royal Ann	1 lb. 13 oz	.43	.43	.43	.43	.44	.44	.45	.45	.45	.46	.49	.51	.54	.50
Happy Home	Fancy	Royal Ann	1 lb. 14 oz	.52	.48	.48	.51	.49	.49	.51	.54	.54	.51	.59	.60	.63	.53
Silver Shield		Royal Ann	1 lb. 14 oz	.49	.46	.46	.48	.47	.47	.48	.48	.52	.49	.52	.58	.61	.51
Peaches—tin:																	
Reliance		Freestone halves	No. 2½	.41	.41	.41	.42	.42	.42	.44	.44	.44	.44	.48	.49	.52	.46
Yes Madam	Fancy	Yellow freestone halves	1 lb. 14 oz	.41	.41	.41	.42	.42	.42	.44	.44	.44	.44	.48	.49	.52	.46
Pineapple—tin:																	
Del Monte		Sliced	1 lb. 14 oz	.35	.33	.35	.35	.36	.36	.38	.38	.38	.38	.41	.43	.45	.40
Dole	Fancy	Sliced	1 lb. 14 oz	.35	.33	.35	.35	.36	.36	.38	.38	.38	.38	.42	.43	.46	.40
Waikiki		Broken slices	1 lb. 13 oz	.33	.31	.33	.34	.34	.34	.36	.36	.36	.36	.39	.41	.44	.39
Plums—tin:																	
Silver Shield	Choice	Green gage	1 lb. 14 oz	.34	.35	.35	.35	.35	.35	.37	.37	.37	.37	.41	.42	.45	.40

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10581, 11012; 8 F.R. 23, 567, 2158, 2445, 6964, 3844, 8184, 12549, 13166, 14305, 16514, 16626, 16627, 16865, 16986, 16793; 9 F.R. 301, 849.

4. Section 1418.363 (o) Table XV, "Maximum retail prices for canned vegetables", is amended by changing the maximum prices of certain items, in certain localities, and by adding to the description of large Shurfine asparagus the words: All Green; to read as follows:

Brand	Description	Container size or net weight	Ketchikan	Wrangell	Petersburg	Juneau-Douglas	Skagway-Haines	Sitka	Cordova	Valdez	Seward	Kodiak	Anchorage	Palmer	Fairbanks	Nome
Asparagus—tin:																
Inland Valley	Choice cut spears.	1 lb. 3 oz.	$0.39	$0.39	$0.39	$0.39	$0.39	$0.39	$0.40	$0.40	$0.40	$0.41	$0.43	$0.43	$0.46	$0.42
Shurfine	Large, all green	1 lb. 3 oz.	.49	.49	.49	.49	.49	.49	.51	.51	.51	.51	.53	.53	.56	.53
Topside	Ungraded	1 lb. 3 oz.	.39	.40	.40	.40	.40	.40	.41	.41	.41	.42	.44	.45	.47	.43
Baked beans—tin:																
Dennison	With pork	15½ oz.	.17	.17	.17	.17	.17	.18	.19	.19	.19	.19	.20	.21	.23	.20
Wax and green beans—tin:																
Everson	Cut, string	1 lb. 4 oz.	.19	.20	.20	.20	.20	.20	.21	.21	.21	.21	.24	.25	.27	.23
Silver Falls	Standard cut	1 lb. 3 oz.	.20	.21	.21	.21	.21	.22	.22	.22	.22	.22	.24	.25	.27	.24
Beets—tin:																
Reliance	Medium whole	No. 2	.22	.22	.22	.22	.22	.22	.24	.24	.24	.24	.27	.28	.30	.25
Corn—tin:																
Shurfine	Whole kernel	1 lb. 4 oz.	.21	.21	.21	.21	.21	.21	.23	.23	.23	.23	.25	.26	.28	.24
Mixed vegetables—tin:																
Dinnette	Salad vegetables	1 lb. 4 oz.	.23	.23	.23	.23	.23	.23	.25	.25	.25	.25	.28	.29	.31	.27
Happy Home		1 lb. 4 oz.	.23	.23	.23	.23	.23	.24	.25	.25	.25	.25	.26	.27	.29	.27
Larsen	Veg-all	1 lb.	.24	.24	.24	.24	.24	.24	.25	.25	.25	.25	.27	.28	.29	.27
Mixed vegetables—glass:																
Larsen	Veg-all	1 lb.	.24	.24	.24	.24	.24	.24	.25	.25	.25	.25	.27	.29	.29	.27
Peas—tin:																
Inland Valley	Ex-standard 3 sieve.	1 lb. 4 oz.	.19	.19	.19	.19	.20	.20	.21	.21	.21	.21	.23	.24	.26	.23
Pumpkin—tin:																
Shurfine		1 lb. 13 oz.	.17	.18	.18	.18	.18	.18	.20	.20	.20	.20	.23	.24	.28	.22

This amendment shall become effective February 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2115; Filed, February 12, 1944; 11:39 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 496,[1] Amdt. 1]

VEGETABLE SEEDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 496 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *Prohibition against sales above the maximum price.* While this regulation is in effect, regardless of any contract, agreement or other obligation, no person to whom this regulation is applicable shall sell, offer for sale or deliver any vegetable seeds subject to this regulation at prices higher than the maximum prices specified in this Maximum Price Regulation No. 496, and no person in the course of trade shall buy, solicit, or receive any such vegetable seeds at a price higher than the maximum prices specified in this Maximum Price Regulation No. 496, and no person shall agree, solicit or attempt to do any of the foregoing.

2. Section 3 (b) (6) is hereby revoked and a new section 3 (b) (6) is hereby added to read as follows:

(6) Of State certified onion seeds.

3. The introductory text of section 5 (a) is amended to read as follows:

(a) For bean, pea, sweet corn, cauliflower, cucumber; Swiss chard and mangel:

4. Section 5 (a) (1) is amended to read as follows:

(1) (i) The maximum price of a farmer-producer for the sale or delivery of bean, pea (except where produced in the State of California), sweet corn, cauliflower, cucumber, Swiss chard and mangel seeds by a farmer-producer shall be the highest price charged by him for each class of sales and deliveries of each variety and kind of such vegetable seeds during the period January 1 to May 31, 1943, hereinafter referred to as the "base period".

(ii) The maximum price of a farmer-producer for the sale or delivery of pea seeds produced in the State of California shall be ¾ cent per pound above the highest price charged by him for each class of sales and deliveries of each variety of pea seeds during the base period.

5. Section 5 (b) is amended to read as follows:

(b) For lettuce:

(1) The maximum price for the sale or delivery of lettuce (except New York and Imperial Types) seeds by a farmer-producer shall be 10 cents per pound above the highest price charged by him for each class of sales and deliveries of each variety of lettuce (except New York and Imperial Types) seeds during the base period.

(2) The maximum price for the sale or delivery of lettuce seeds of the New York and Imperial Types by a farmer-producer shall be $1.00 per pound plus transportation charges from the farm where grown to the buyer's receiving point by a usual route and method of transportation.

6. Section 5 (e) is amended to read as follows:

(e) The foregoing maximum prices shall be reduced by the expenses borne by the purchaser (which were not borne by him during the base period) in connection with the growing, harvesting or loading for transportation of the vegetable seeds in question.

7. Section 5 (f) is hereby revoked and a new section 5 (f) is hereby added to read as follows:

(f) The foregoing maximum prices shall be the maximum prices a seller may charge and a purchaser may pay for the delivery of seeds to the purchaser whether the farmer-producer's contract with him is one for the sale of seeds or for services in connection with the planting, growing and harvesting of a crop of seed.

8. The first sentence in section 6 is amended to read as follows: "The maximum price f. o. b. shipping point, for the sale of vegetable seeds by a commercial grower shall be as follows:"

9. The figure 70 opposite "Lettuce . . . Simpson Black Seeded" in the column entitled "Maximum price per pound for base quality" in section 6 (a) is amended to read 78.

10. The figure 50 opposite "Lettuce" . . . New York or Imperial Types" in the column entitled "Base quantity per bag" in section 6 (a) is amended to read 100.

11. Section 6 (g) is added to read as follows:

(g) The foregoing maximum prices may be increased by the transportation charges actually incurred from the seller's shipping point to the buyer's receiving point by a usual route and method of transportation.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16210, 1244, 15605, 9 F.R. 973.

12. Section 7 is amended to read as follows:

SEC. 7. *Maximum prices for processors.* (a) The maximum price or charge for the sale of bean, pea and sweet corn seeds by a processor shall be the maximum price for a like sale by a commercial grower plus transportation charges to his receiving point and transportation charges from his receiving point to his place of delivery by a usual route and method of transportation.

(b) The maximum price or charge for the sale of beet, cabbage, carrot, cauliflower, Swiss chard, cucumber, lettuce, mangel, onion, rutabaga and turnip seeds by a processor shall be the maximum price for a like sale by a wholesaler plus transportation charges from his receiving point to his place of delivery by a usual route and method of transportation.

13. The first sentence in section 8 is amended to read as follows: "The maximum price, f. o. b. shipping point, for the sale of vegetable seeds by a wholesaler shall be as follows:"

14. The figure $1.10 opposite "Lettuce . . . Simpson Black Seeded" in the column entitled "Maximum price per pound for base quantity" in section 8 (a) is amended to read $1.15.

15. The figure 50 opposite "Lettuce . . . New York or Imperial Types" in the column entitled "Base quantity per bag" in section 8 (a) is amended to read 100.

16. Section 8 (g) is added to read as follows:

(g) The foregoing maximum prices may be increased by the transportation charges actually incurred from the seller's shipping point to the buyer's receiving point by a usual route and method of transportation.

17. The first sentence in section 9 is amended to read as follows: "The maximum price f. o. b. the seller's shipping point and delivered to the buyer's receiving point shall be as follows:"

18. Section 19 is added to read as follows:

SEC. 19. *Increases for sacks.* When vegetable seeds are sold in sacks or other containers furnished by the seller, there may be added to the appropriate maximum price the reasonable market value of the sacks or other containers used (not exceeding any maximum price established thereon).

19. Section 20 is added to read as follows:

SEC. 20. *When a person cannot determine his maximum price under the foregoing provisions.* Whenever any seller of vegetable seeds cannot determine his maximum price under the foregoing provisions of this regulation, his maximum price shall be the maximum price of his closest competitor for a like sale; and if he has no competitor for the sale in question, he shall apply to the Seeds and Rice Section, Office of Price Administration, Washington, D. C. for the establishment of a maximum price for such sale.

This amendment shall become effective February 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

Approved: February 3, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-2116; Filed, February 12, 1944; 11:40 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 36]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has beenfiled with the Division of the Federal Register.*

Maximum Price Regulation 348 is amended in the following respects:

The effective date provisions of Amendments 23, 26, 27, 30 and 31 are amended to include the following sentences immediately after the effective dates: "Regardless of any other provisions of this Regulation, any buyer purchasing logs in the area covered by this amendment who had prices in effect on or after January 12, 1944, higher than those set forth in this amendment, may continue to purchase the same grades and species then being bought at those same prices for an additional period until April 15, 1944. These prices may have been established either by a contract, firm commitment, by a standing offer to buy at stated prices, or by purchases under Maximum Price Regulation 313. New contracts or commitments may be entered into at the same prices fixed by existing contracts, or commitments, or standing offers."

This amendment shall become effective February 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2130; Filed, February 12, 1944; 4:37 p. m.]

PART 1316—COTTON TEXTILES

[RPS 89,[2] Amdt. 12]

BED LINENS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 89 is amended in the following respects:

1. Section 1316.111 (b) is amended to read as follows:

(b) *Determination of maximum price.* Except as otherwise provided herein, the maximum price for any bed linens shall be determined by the application of the appropriate discount in Table III to the base prices listed in Table II.

2. In § 1316.111 (c) Table III is amended to read as follows:

TABLE III

[Maximum prices for manufacturers, converters or finishers (percentage discounts from base prices in Table II)]

Type 180	Type 140	Type 128	Type 112	Back filled type
6.2%	7.4%	3.1%	0.5%	5.5%

This amendment shall become effective February 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2132; Filed, February 12, 1944; 4:37 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 93]

BED LINENS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Article III of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation is amended by adding section 3.11 to read as follows:

SEC. 3.11 *Sales of certain bed linens at wholesale.* (a) This section applies to sales at wholesale of carded cotton bed linens of Types 112, 128, 140 and 180 for which the manufacturer's ceiling price is established by Revised Price Schedule No. 89—Bed Linens.[1]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16115, 16198, 16204, 16297, 9 F.R. 220, 392, 343, 402, 450, 538, 574, 682, 792, 1317.

[2] 7 F.R. 1375, 1836, 2107, 2000, 2132, 2299, 2739, 3163, 3327, 3447, 3962, 4176, 4732, 6385, 7599, 8937, 8948; 8 F.R. 8070, 11245.

[1] (a) "Bed linens" means finished sheets, finished pillow cases, finished bolster cases, bleached pillow tubing, domestic-type grey wide sheeting, brown sheeting, and bleached sheeting; however, it refers only to goods made of cotton and does not include goods made wholly of combed yarn.

(b) "Types 112, 128, 140, and 180" are defined in Table I, Section 1316.111 of Revised Price Schedule No. 89. That Schedule requires bed linens, when sold by the manufacturer, to bear a label stating the type.

(c) "Sale at wholesale" means a sale by a person who in the performance of a recognized distributive function resells the goods otherwise than at retail in the same form as that in which he purchases them. No sale is made in the performance of a recognized distributive function unless it advances the goods sold to the next stage of distribution. Presumptively, sales by one jobber or wholesaler to another are not sales in the performance of a recognized distributive function.

(d) "At retail" means in small quantities to ultimate consumers buying for household use and not for resale.

(b) The maximum price for sales at wholesale of these types of bed linens shall be the higher of the following:

(1) The maximum price fixed by the General Maximum Price Regulation;

(2) The seller's net cost of the goods (including, if the goods are sold from stock, freight from the manufacturer's mill to the seller's place of storage) divided by 0.93.

The maximum price shall be subject to the allowances, discounts, and other price differentials observed by the seller during March 1942. No seller shall require any purchaser, and no purchaser shall be permitted, to pay on a sale at wholesale a larger proportion of transportation costs incurred in delivery of bed linens than the seller required purchasers of the same general class to pay during March 1942.

This amendment shall become effective February 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2131; Filed, February 12, 1944; 4:37 p. m.]

PART 1304—IRON AND STEEL SCRAP

[RPS 4,[1] Amdt. 14]

IRON AND STEEL SCRAP

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 4 is amended in the following respects:

1. Section 1304.11 (e) is amended to read as follows:

(e) "Operating railroad" means a railroad, terminal association, or switching company which operates a line, and derives at least a portion of its revenue from the carrying of freight.

2. Section 1304.11 (h) is added to read as follows:

(h) "Non-operating railroad" means all steam and electric railroads other than operating railroads, and includes suburban and interurban electric railroads, street railways, refrigerator car companies, sleeping car companies, stock car companies, and tank car companies, but does not include mines or logging roads.

3. Section 1304.13 (e) (6) is amended by deleting the last sentence which reads, "At no time shall the ownership of such scrap reside in the dealer to whom the preparation fee is paid".

4. Section 1304.13 (f) (3) is amended to read as follows:

(3) *No. 1 busheling.* Clean wrought iron or steel scrap 1/16 inch and over in thickness, not exceeding 12 inches in any dimension, including new factory busheling 20 gauge or heavier, (for example, sheet clippings, stampings, etc.). May not contain burnt material, or auto body and fender stock. Must be free of metal coated, limed, or porcelain enameled stock.

5. Section 1304.13 (f) (16) is amended to read as follows:

(16) *Punchings and plate scrap.* Punchings, plate scrap, and bar crops, not over 0.05% of phosphorus or sulphur, not over 0.5% of silicon and free of alloys. All material must be cut 12 inches and under, and with the exception of punchings, must be at least 1/8 inch in thickness. Punchings may not be less than 1/4" or more than 6" in diameter.

6. Section 1304.13 (c) (4) is amended by adding subdivision (v), to read as follows:

(v) Cast iron grindings with an iron content of 85% and over shall not be subject to this schedule when sold for chemical purposes.

7. Section 1304.14 Appendix B is hereby amended to read as follows:

§ 1304.14 *Appendix B: Maximum prices for iron and steel scrap originating from railroads*—(a) *Basing point prices from which maximum prices for steel grades of scrap are to be computed*—(1) *Basing point prices*[1] *of the base grade, No. 1 railroad heavy melting steel.*

NO. 1 RAILROAD HEAVY MELTING STEEL (ITEM 1)

Basing point:	Price per gross ton
Ashland, Kentucky	$20.50
Birmingham, Alabama	18.00
Buffalo, New York	20.25
Canton, Ohio	21.00
Chicago, Illinois	19.75
Cincinnati, Ohio	20.50
Cleveland, Ohio	20.50
Detroit, Michigan	18.85
Duluth, Minnesota	19.00
Kansas City, Missouri	17.00
Kokomo, Indiana	19.25
Los Angeles, California	18.00
Middletown, Ohio	20.50
Philadelphia, Pennsylvania	19.75
Pittsburgh, Pennsylvania	21.00
Portsmouth, Ohio	20.50
San Francisco, California	18.00
Seattle, Washington	15.50
Sharon, Pennsylvania	21.00
Sparrows Point, Maryland	19.75
Steubenville, Ohio	21.00
St. Louis, Missouri	18.50
Wheeling, West Virginia	21.00
Wilmington, Delaware	19.75
Youngstown, Ohio	21.00

(2) *Basing point prices of standard grades.* The basing point price of any of the following standard grades at the applicable basing point named in paragraph (a) (1) of this section shall be the price of No. 1 Railroad Heavy Melting Steel at such basing point, plus or minus the adjustment specified herein.

Standard grades:	Adjustments (*Plus or minus*)
2. No. 2 Railroad Heavy Melting Steel	Base
3. Wrought Iron and Soft Steel	Base
4. No. 2 Steel Wheels	Base
5. Axles, Iron and/or Steel	Base
6. No. 1 Busheling	−$1.00
7. No. 2 Busheling	− 3.50
8. No. 1 Turnings	− 1.50
9. No. 2 Turnings, Drillings, and Borings	− 6.00
10. Iron Arch Bars	− 3.50
11. Steel Arch Bars	− 3.50
12. Boilers, Fire Boxes and Tanks	− 3.50
13. No. 2 Cast Steel	− 3.50
14. Uncut Frogs and Switches	− .50
15. Flues, Tubes and Pipe	− 3.50
16. Limed Iron and Steel	− 3.50
17. Structural Wrought Iron and/or Steel, Uncut	− 3.50
18. Destroyed Cars and Locomotive Tenders	− 3.50
19. No. 1 Sheet Scrap	− 5.00
20. No. 2 Sheet Scrap	− 7.00
21. Scrap Rails in Random Lengths	+ 1.00
22. Rerolling Rails[2]	+ 2.50
23. Cut Rails, 3 ft. and under	+ 3.00
24. Cut Rails, 2 ft. and under	+ 3.25
25. Cut Rails, 18 inches and under	+ 3.50
26. Uncut Tires	+ 2.50
27. Cut Tires	+ 4.50
28. Iron Arch Bars, 3 ft. and under	+ 1.00
29. Uncut Bolsters and Side Frames	Base
30. Cut Bolsters and Side Frames	+ 2.50
31. Angle and Splice Bars	+ 2.50
32. Solid Steel Axles[3]	+ 6.00
33. No. 3 Steel Wheels	+ 3.50
34. Spring Steel	+ 3.50
35. Couplers and Knuckles	+ 3.50

[2] The term "rerolling rails" includes any rails which are sold to be used for rerolling, irrespective of whether or not such rails are usable for relaying.

[3] The price of solid steel axles shall not exceed the price of the base grade unless sold for rerolling or reforging use.

(b) *Maximum prices for grades of steel scrap*—(1) *On-line prices for operating railroads operating in a basing point.* (The term "on-line prices" means the maximum prices that the originating railroad may charge for scrap delivered to a consumer located on the line of that railroad.)

The maximum on-line price of any grade of steel scrap originating from an operating railroad operating in a basing point named in paragraph (a) of this Section shall be the price established in such paragraph for the scrap at the highest priced basing point in which the railroad operates.

(2) *On-line prices for operating railroads not operating in a basing point.* (i) The maximum on-line price of any grade of steel scrap originating from an operating railroad not operating in a basing point named in paragraph (a) of this section, shall be the price established for the scrap at the most favorable basing point in such paragraph minus the foreign line proportion of the lowest established charge for transporting scrap by rail from the scrap accumulation point of the railroad to such basing point. (The "scrap accumulation point" shall be that point from which the greatest tonnage of scrap was shipped in the calendar year 1943). In no case need the maximum on-line price fall below $15.00 per gross ton for No. 1 Railroad Heavy Melting Steel, (with differentials

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1207, 8 F.R. 1952, 2431, 16786.

[1] A basing point includes a switching district of the city named.

established in paragraph (a) for all other grades).

The "most favorable basing point" is the basing point which will yield the highest maximum on-line price.

(ii) On and after the 15th day of March, 1944, no operating railroad not operating in a basing point named in paragraph (a) of this section may sell or offer to sell iron and steel scrap to a consumer or his broker (without obtaining prior written approval from the Office of Price Administration) unless prior to that date it has filed with the Office of Price Administration, Iron and Steel Branch, Washington 25, D. C., a statement in writing setting forth its maximum on-line price for No. 1 Railroad Heavy Melting Steel, and describing the method by which the said maximum on-line price was calculated. The statement shall include: the most favorable basing point selected, the price at such basing point, the location of the scrap accumulation point, the lowest established charge for transporting scrap by rail from such accumulation point to the named basing point, and the foreign line proportion of such lowest established charge.

(3) *Non-operating railroads.* (i) The maximum price of any grade of steel scrap originating from a non-operating railroad shall be the price established for the scrap at the most favorable basing point named in paragraph (a) of this section, minus the transportation charges established in paragraph (c) (1), (2) and (3) of § 1304.13. In no case need the maximum price fall below $15.00 per gross ton for No. 1 Railroad Heavy Melting Steel (with differentials established in paragraph (a) of this section for all other grades).

The "most favorable basing point" is the basing point which will yield the highest maximum price.

(ii) Where the non-operating railroad is located in a basing point set forth in paragraph (a) above, the following switching charge deductions will be applicable:

Basing point:	*Switching charge deductions per gross ton*
Ashland, Kentucky	$0.28
Birmingham, Alabama	.32
Buffalo, New York	.36
Canton, Ohio	.28
Chicago, Illinois	.84
Cincinnati, Ohio	.28
Cleveland, Ohio	.42
Detroit, Michigan	.53
Duluth, Minnesota	.28
Kansas City, Missouri	.32
Kokomo, Indiana	.28
Los Angeles, California	.42
Middletown, Ohio	.14
Philadelphia, Pennsylvania	.14
Pittsburgh, Pennsylvania	.55
Portsmouth, Ohio	.28
San Francisco, California	.42
Seattle, Washington	.38
Sharon, Pennsylvania	.42
Sparrows Point, Maryland	.11
Steubenville, Ohio	.28
St. Louis, Missouri	.28
Wheeling, West Virginia	.28
Wilmington, Delaware	.28
Youngstown, Ohio	.42

(c) *Maximum on-line prices for grades of cast iron scrap.* The maximum on-line price, per gross ton, for any of the following grades of cast iron scrap shall be the price shown in the following table for such grade of scrap at the highest priced zone in which the railroad operates or is located:

	Zone A	Zone B	Zone C
1. Cast Iron, No. 1	$18.00	$19.00	$20.00
2. Cast Iron, No. 2	17.00	18.00	19.00
3. Cast Iron, No. 3	14.50	15.50	16.50
4. Cast Iron, No. 4	13.25	14.25	15.25
5. Cast Iron Brake Shoes	13.25	14.25	15.25
6. Malleable	20.00	21.00	22.00
7. Wheels, No. 1	18.00	19.00	20.00

Zone A includes the states of Montana, Idaho, Wyoming, Nevada, Utah, Arizona and New Mexico.

Zone B includes the states of North Dakota, South Dakota, Nebraska, Colorado, Kansas, Oklahoma, Texas and Florida.

Zone C includes all states not named in Zones A and B, and includes the switching district of Kansas City, Kansas-Missouri.

(d) *Maximum prices for scrap delivered to a consumer*—(1) *When delivered to a consumer located on the line of a railroad.* The maximum delivered price of any grade of scrap originating from an operating railroad and delivered to a consumer's plant located on the line of that railroad shall be the maximum on-line price established in paragraph (b) or (c) of this section, whichever is applicable.

(2) *When delivered to a consumer located off the line of the originating railroad.* The maximum delivered price of any grade of scrap originating from an operating railroad and delivered to a consumer's plant located off the line of that railroad shall be the maximum on-line price established in paragraph (b) or (c) of this section, whichever is applicable, plus the foreign line proportion of the through rate from the railroad's line to the plant of the consumer via the point on the line of the railroad nearest the consumer's plant (unless off-line routing at another point is required by order of a Governmental agency).

(3) *When delivered to a consumer from a non-operating railroad.* The maximum delivered price of any grade of scrap originating from a non-operating railroad shall be the maximum price established in paragraph (b) or (c) of this section, whichever is applicable, plus transportation charges to the point of delivery. Such transportation charges shall be computed in the same manner and subject to the same limitations as the charges allowable under § 1304.13 (d) except that the springboard limitations in that section shall not apply to the grades of rails, grades No. 21, 22, 23, 24, and 25.

(e) *Railroad scrap prepared by a dealer.* (1) With the exception of unprepared scrap prepared in-transit pursuant to paragraph (f) (2) of this section, railroad steel scrap prepared by a dealer or moving through a dealer's yard shall be deemed to have lost its railroad origin. Steel scrap which has lost its railroad origin shall be classified and priced under § 1304.13 except that for the following grades of steel scrap number in paragraph (a) (2) above, grades No. 4, 5, 14, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, and 35 the maximum shipping point price shall be the same as those prices established for non-operating railroads in paragraph (b) (3) of this section for those grades, and the maximum delivered prices shall be the same as those prices established for non-operating railroads in paragraph (d) (3) of this section for those grades.

(2) The maximum shipping point price of any grade of railroad cast iron scrap sold by a dealer shall be the same as the price established for the railroad seller in paragraph (c) of this section.

(f) *Unprepared scrap.* (1) The term "unprepared scrap" shall have its customary trade meaning and shall not include such demolition projects as bridges, or box cars, which must be so priced that the prepared scrap will deliver to the consumer within the maximum delivered price established in this section.

(2) *Preparation in-transit.* (i) If a consumer without adequate preparation facilities purchases unprepared scrap from an originating railroad, the consumer may designate a dealer or dealers to prepare such scrap on a preparation fee basis. The maximum preparation fee for steel scrap shall be the differential established in paragraph (e) of § 1304.13 or paragraph (a) of § 1304.14, whichever is applicable, between the unprepared scrap and the listed grade into which the scrap is prepared (for example: $3.50 per gross ton for prepared No. 1 Railroad Heavy Melting Steel from Structural and/or Wrought Iron and Steel Uncut, or $2.50 per gross ton for cutting rails 18 inches and under from Scrap Rails in Random Lengths, or $4.00 per gross ton for No. 2 Bundles prepared from No. 1 Sheet Scrap, etc.). For railroad cast iron scrap, an in-transit preparation fee will be applicable only for preparing Cast Iron, No. 3 into Cast Iron, No. 1 for which the maximum preparation fee shall be $3.50 per gross ton.

(ii) The maximum delivered price for railroad scrap prepared intransit shall be the maximum on-line price for the unprepared scrap, plus the applicable rail transportation charges, if any, incurred in moving the scrap to the dealer's yard, plus the applicable preparation fee, plus transportation charges from the dealer's yard to the point of delivery. The transportation charges from the dealer's yard to the point of delivery shall be computed in the same manner as the charges allowable under § 1304.13 (d) on an identical tonnage of scrap shipped by the dealer from his yard to the same point of delivery.

(g) *Premiums for alloy content.* The provisions concerning alloy scrap set forth in § 1304.13 (a) (4) shall be applicable to any grade of railroad scrap.

(h) *Prohibition against special preparation charges.* (1) Except upon prior approval by the Office of Price Administration, no charge may be made for special preparation.

(2) Whenever scrap has arrived at the point of delivery, and the consumer engages a dealer to prepare such scrap, no charge may be made for such service unless prior approval is secured from the Office of Price Administration.

(i) *Superior grades.* Except upon prior approval by the Office of Price Administration, no grade of railroad scrap, other than those listed in this Section, shall command a premium over the base grades (No. 1 Railroad Heavy Melting Steel or Cast Iron, No. 1).

(j) *Inferior grades.* For grades, other than those listed in this section, which are inferior to the base grades (No. 1 Railroad Heavy Melting Steel or Cast Iron, No. 1) the seller shall apply to the Office of Price Administration, Washington 25, D. C., for the establishment of an appropriate price.

(k) *Mixed shipments.* (1) When grades of scrap commanding different maximum prices under the provisions of this Revised Price Schedule No. 4 are included in one vehicle, the maximum price for the scrap in such vehicle shall be the maximum price applicable to the lowest priced grade in the vehicle. This limitation shall not affect shipments involving vessel movement if each grade commanding a different maximum price is segregated in the vessel.

(2) Where a vehicle contains exclusively grades of scrap for which premiums for alloy content are established under the provisions of this schedule, such premiums shall not apply (and the limitations set forth in subdivision (1) of this paragraph shall apply), unless each such grade is segregated in the vehicle.

(l) *Specifications for grades of railroad scrap.* (Reference to Association of American Railroads classification number follows each grade title.)

(1) *Steel grades.*

No. 1. *No. 1 Railroad heavy melting steel.* (A. A. R. No. 24). Steel scrap ¼ inch and over in thickness, not over 18 inches in width, and not over 5 feet long. Individual pieces must be cut into such shape that they will be free from attachments and will lie reasonably straight and compact in a charging box. Cut boiler plate must be practically cleaned of lime, free from staybolts. May include structural shapes, plates, rods and bars ½ inch and heavier, steel castings, heavy chain, heavy forgings, forged butts and similar heavy material. This grade may also include new mashed pipe ends, original diameter four inches and over, thoroughly flattened, sheet bars, billets, blooms, rail ends, railroad steel and wrought scrap, such as angle and slice and splice bars, couplers, knuckles, draw bars, out cast steel bolsters, coil and leaf springs (all coil springs to be ⅜ inch or larger diameter). No needle or skeleton plate scrap, agricultural shapes, annealing pots, boiler tubes, grate bars, cast iron, malleable iron, or curly or unwieldy pieces may be included. Must be free from dirt, excessive rust or scale or foreign material of any kind.

No. 2. *No. 2 Railroad heavy melting steel.* (A. A. R. No. 25). Plate scrap, such as car sides ⅛ inch or over in thickness. Punchings ⅛ inch and over in thickness, heavy clippings, new unmashed pipe ends under 4 inches in diameter. Car sides and all light plate to be sheared 15 inches by 15 inches or under and all light rods to be 12 inches and under in length. Any curved or twisted pieces must be sheared in such shape that they will lie reasonably flat in a charging box and not tangle in handling with a magnet; all to be free from cast iron, malleable iron, burnt scrap, dirt or foreign material of any kind. Maximum size 15 inches wide by 3 feet long.

No. 3. *Wrought iron and soft steel.* (A. A. R. Nos. 43 and 44.) Wrought iron and/or soft steel from railroad shops and cars, including iron links and pins. Flats ¼ inch thick and over; rounds and/or squares ⅜ inch thick and over. May include tie plates, track bolts, spikes and nuts. All to be free from steel shapes, plates and riveted materials. Maximum size 18 inches wide by 5 feet long.

No. 4. *No. 2 steel wheels.* (A. A. R. No. 41). Includes all kinds of built up or steel tired wheels 36 inches and under.

No. 5. *Axles, iron and/or steel.* (A. A. R. Nos. 4 and 5). Hollow bored steel axles. Railroad car and/or locomotive axles, A. A. R. and M. C. B. sizes, and free from defective or imperfect forgings. No axles to be included of shorter length than distances between wheel seats.

No. 6. *No. 1 busheling.* (A. A. R. No. 10). Clean iron and/or soft steel pipes and/or flues, tank and/or bands No. 12 gauge and heavier, steel plate punchings and/or clippings, soft steel and/or iron forgings and/or flashings. No dimension over 8 inches. To be free from burnt material, hard steel, cast, malleable and metal coated material of any kind.

No. 7. *No. 2 busheling.* (A. A. R. No. 10–A). Netting, sheet and/or similar light material, lighter than No. 12 gauge. No dimension over 8 inches. To be free from hard steel, cast and metal coated material of any kind.

No. 8. *No. 1 turnings.* (A. A. R. No. 38). Heavy turnings from wrought iron and/or steel railroad axles or heavy forgings and/or rail chips, to weigh not less than 75 pounds per cubic foot. Free from dirt or other foreign material of any kind.

No. 9. *No. 2 Turnings, drillings, and borings.* (A. A. R. No. 39). Cast, wrought, steel and/or malleable iron borings, turnings, and/or drillings mixed with other metals.

No. 10. *Iron arch bars.* (A. A. R. No. 1). Railroad iron arch, transom and/or tie bars, uncut.

No. 11. *Steel arch bars.* (A. A. R. No. 1–A). Railroad steel arch, transom, and/or tie bars, uncut.

No. 12. *Boilers, fire boxes and tanks.* (A. A. R. No. 8). Iron or steel boiler or tank plate cut apart sufficiently to load (with or without staybolts).

No. 13. *No. 2 cast steel.* (A. A. R. No. 11). Steel castings over 18 inches wide and over 5 feet long.

No. 14. *Uncut frogs and switches.* (A. A. R. No. 18). Steel and/or iron frogs and switches that have not been cut apart, exclusive of manganese.

No. 15. *Flues, tubes and pipe.* (A. A. R. No. 21). Wrought iron and/or soft steel. Must be free from dirt, excessive corrosion or lime and riveted seams. Fitting attached permitted.

No. 16. *Limed iron and steel.* (A. A. R. No. 22). All kinds of iron or steel material from interior of boilers. (Except flues which are encrusted with lime, such as crown bars, crown bar bolts, staybolts, etc.)

No. 17. *Structural wrought iron and/or steel, uncut.* (A. A. R. No. 35). All steel or steel mixed with iron from bridges, structures and/or equipment that has not been cut apart; may include uncut bolsters, brake beams, steel trucks, underframes, channel bars, steel bridge plates, frog and/or crossing plates and/or other steel of similar character.

No. 18. *Destroyed cars and locomotive tenders.* (A. A. R. No. 45). Includes bodies of steel cars cut apart sufficiently to load; excludes trucks and/or cast steel underframes.

No. 19. *No. 1 sheet scrap.* (A. A. R. No. 30). Under ¼ inch thick, consisting of cut stacks and/or stack netting, hoops, band iron and/or steel, pressed steel, hand car wheels, scoops and/or shovels (free of wood), and/or wire rope, all sizes. Must be free from burnt or metal coated material, cushion and other similar springs and lime encrusted pipe and flues from boilers.

No. 20. *No. 2 sheet scrap.* (A. A. R. No. 31). Includes netting (other than stack wire) and/or galvanized material, composition brake shoes and/or gas retorts.

No. 21. *Scrap rails in random lengths.* (A. A. R No. 29). Standard section tee, girder, or guard rails; to be free from frogs and switch rails not cut apart, and contain no manganese, cast welds or attachments of any kind except angle bars. Free from concrete, dirt and foreign material of any kind.

No. 22. *Rerolling rails.* (A. A. R. No. 27). Standard section tee or girder rails, 5 feet long and over. Suitable for rerolling into bars and shapes. Free from bent and twisted rails, frogs, switch and guard rails, or rails with split heads and broken flanges.

No. 23. *Cut rails 3 feet and under.* (A. A. R. No. 28). Cropped rail ends 3 feet and under in length. Free from angle bars, splice bars, tie plates, concrete, dirt, or other foreign material.

No. 24. *Cut rails 2 feet and under.* Cropped rail ends 2 feet and under in length. Free from angle bars, splice bars, tie plates, concrete, dirt, or other foreign material.

No. 25. *Cut rails 18 inches and under.* Cropped rail ends 18 inches and under in length. Free from angle bars, splice bars, tie plates, concrete, dirt, or other foreign material.

No. 26. *Uncut tires.* (A. A. R. Nos. 36 and 37). Locomotive or car tires, uncut.

No. 27. *Cut tires.* (A. A. R. Nos. 36 and 37). Locomotive or car tires, cut to lengths of 3 feet and under.

No. 28. *Iron arch bars 3 feet and under.* (A. A. R. No. 1). Railroad iron arch, transom and/or tie bars cut 3 feet and under.

No. 29. *Uncut bolsters and side frames.* (A. A. R. No. 9). Cast steel bolsters and/or truck side frames, uncut.

No. 30. *Cut bolsters and side frames.* Cast steel bolsters and/or truck side frames, cut to charging box size, 5' by 18'' or smaller.

No. 31. *Angle and splice bars.* (A. A. R. No. 6). Fish plates and/or patented joints, iron or steel.

No. 32. *Solid steel axles.* (A. A. R. Nos. 2 and 3). Solid car and/or locomotive steel axles. (Free of axles with key-way between wheel seats; no axles of shorter lengths than distance between wheel seats to be included).

No. 33. *No. 3 Steel wheels.* (A. A. R. No. 42). Solid cast steel, forged, pressed, or rolled steel car and/or locomotive wheels, not over 42 inches in diameter.

No. 34. *Spring steel.* (A. A. R. Nos. 34 and 34–A). Coil springs made of material not less than ⅜ inch in diameter. Elliptical springs made of material not less than ¼ inch in thickness, not over 18 inches wide. May be assembled or cut apart.

No. 35. *Couplers and knuckles.* (A. A. R. No. 17). Railroad car and/or locomotive steel couplers, knuckles, and/or locks stripped clean of all other attachments.

(2) *Cast iron grades.*

No. 1. *Cast iron, No. 1.* (A. A. R. No. 12). Cast iron scrap, such as columns, pipe, plates and/or castings of miscellaneous nature, but free from stove plate, brake shoes and/or burnt scrap. Must be cupola size, not over 24 inches by 30 inches in dimensions and no pieces to weigh over 150 pounds. Must be free from foreign material.

No. 2. *Cast iron, No. 2.* (A. A. R. No. 13). Cast iron scrap in pieces weighing over 150

pounds but not more than 500 pounds. Free from burnt cast.

No. 3. *Cast iron, No. 3.* (A. A. R. No. 14). Cast iron scrap in pieces weighing over 500 pounds; includes cylinders, driving wheel centers, and/or all other castings. (Free from hammer blocks or bases).

No. 4. *Cast iron, No. 4.* (A. A. R. No. 15). Burnt cast iron scrap, such as grate bars, stove parts and/or miscellaneous burnt scrap.

No. 5. *Cast iron brake shoes.* (A. A. R. No. 16). Driving and/or car brake shoes of all types except composition filled shoes.

No. 6. *Malleable.* (A. A. R. No. 23). Malleable parts of automobiles, railroad cars, and locomotives.

No. 7. *Wheels, No. 1.* (A. A. R. No. 40). Cast iron car and/or locomotive wheels.

8. The table of shipping point prices in § 1304.15 (a) (1) is amended so that the price of Item 6 Heavy Breakable Cast is reduced from $15.50 to $14.50 in Group A, from $16.50 to $15.50 in Group B, and from $17.50 to $16.50 in Group C.

9. Section 1304.15 (d) (2) and (3) are amended so that wherever the figure of $2.50 appears therein the figure of $3.50 shall be substituted.

NOTE: The reporting and record keeping requirements of this schedule have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective February 19, 1944.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2169; Filed, February 14, 1944; 11:47 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 84]

PAYMENT OF PATRONAGE DIVIDENDS BY MARKETING COOPERATIVE ASSOCIATIONS

A statement of the considerations involved in the issuance of this supplementary order has been issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1305.215 *Payment of patronage dividends by marketing cooperative associations.* (a) This order applies to the payment of patronage dividends by marketing cooperative associations to their patrons (members or non-members) in connection with any commodity subject to a price regulation issued by the Office of Price Administration unless the applicable price regulation contains different provisions.

(b) No marketing cooperative association may pay to any patron and no patron may receive, through the payment of patronage dividends or otherwise, more for any commodity than the ceiling price applicable to sales of that commodity by the patron to non-cooperative distributors regardless of whether the association acquires title to the commodity or acts as selling agent for the patron except as provided in this order.

(c) Patronage dividends may be paid by marketing cooperative associations to or received by their patrons in connection with a commodity when the dividend plus the original payment to the patron results in his receiving more for the commodity than the applicable ceiling price for sales by him to non-cooperative distributors only if all the following conditions are met:

(1) The association operates on a cooperative basis for the purpose of marketing the commodities of its patrons solely for their mutual benefit, and conforms with all the requirements of the applicable statutes of a state or territory.

(2) The association does not handle a greater proportion (in terms of dollar value or unit volume) of non-member business in any fiscal year than it handled during the calendar year 1943, or its fiscal year ending in 1943, or, if the association was not in existence during all of 1943, it does not handle a greater proportion of non-member business than it handled during the first fiscal or calendar year of its existence: *Provided,* That, for purposes of this paragraph (c), there shall be disregarded in determining the proportion of member to non-member business transaction by the association, any business done by it for and at the request of the United States or any of its agencies as part of a special government procurement program which makes it necessary for the association to obtain commodities out of the normal course of its business from other than its customary sources of supply.

(3) The association is not controlled, with respect to finances, policy, payment of patronage dividends, employment or compensation of personnel or agents, or in any other way by any person (other than a cooperative association).

(4) The association does not offer or agree to pay a patronage dividend of a definite amount or at a specific rate.

(5) The association does not pay patronage dividends except at the end of the association's fiscal year or at the end of intervals of not less than six months where the books of the association are regularly closed at the end of such intervals.

(6) If the association in the payment of patronage dividends customarily differentiates between, and maintains separate accounting records for, various operations in its business (differentiating, for example, between operations in different areas, or between the marketing of different commodities or the products of different types or grades of the same commodity), the patronage dividend paid to patrons whose commodities are marketed in one such operation in its business does not include any sums derived from other such operations.

(7) In the case of a farmers' cooperative association, the association also conforms with all the requirements of the Capper-Volstead Act.

(d) "Price regulation," as used in this supplementary order, means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, as amended, a maximum price regulation, or temporary maximum price regulation issued by the Office of Price Administration, or any amendment or supplement thereto or order issued thereunder.

(e) This order shall become effective February 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2173; Filed, February 14, 1944; 11:48 a. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1340—FUEL

[MPR 120, Amdt. 85]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respect:

Section 1340.207 (e) is revoked.

This amendment shall become effective February 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2168; Filed, February 14, 1944; 11:47 a. m.]

PART 1340—FUEL

[MPR 120,[1] Amdt. 86]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respect:

In § 1340.215 (b), new subparagraph (6) is added to read as follows:

(6) Notwithstanding the provisions of subparagraphs (1), (3), (4) and (5) of this paragraph (b), or of any order issued prior to February 14, 1944, the maximum prices for coals shipped for railroad fuel use from any mine in the Hocking, Pomeroy, Crooksville, Jackson, Middle, Leetonia, and Ohio Middle freight origin districts, in Size Group Nos. 1 to 10 inclusive, and in Size Group No. 12, shall in no case be less than the maximum prices for coals in such respective size groups for any other use.

[1] 8 F.R. 14560.

This amendment shall become effective February 14, 1944.

(55 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9326, 8 F.R. 4681)

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2174; Filed, February 14, 1944; 11:48 a. m.]

PART 1340—FUEL

[MPR 510]

LUBRICATING OILS, GREASES AND CERTAIN OTHER PETROLEUM PRODUCTS

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250, and 9328. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

§ 1340.401 *Maximum prices for lubricating oils, greases and certain other petroleum products.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order Nos. 9250 and 9328, Maximum Price Regulation No. 510 (Lubricating Oils, Greases and Certain Other Petroleum Products), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1340.401 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 510—LUBRICATING OILS, GREASES AND CERTAIN OTHER PETROLEUM PRODUCTS

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Sec.

1. Transactions, commodities and areas covered.
2. Transfers of business or stock in trade.
3. Federal and State taxes.
4. Applications for adjustment and petitions for amendment.
5. Records and price filing requirements.
6. Shifts which must be reported.
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8. Definitions.
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ARTICLE II—PRICING PROVISIONS

10. Specific maximum prices for certain stock oils in bulk lots.
11. Motor and stock oils; last sale prior to October 15, 1941 method.
12. Motor and stock oils; price of competitive seller method.
13. All products other than motor and stock oils; March 1942 price method.
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17. Exceptions for Hawaii; grease, motor, stock and industrial oils.
18. On sales to government agencies pursuant to government bidding.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *Transactions, commodities and areas covered*—(a) *Transactions.* This regulation covers all types of sales and deliveries either by refiners, blenders, resellers or any other person except the following:

(1) *Retail sales.* Retail sales at retail establishments.

(2) *Export sales.* The maximum price at which a person may export any commodity covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation including amendments issued or hereafter issued by the Office of Price Administration.

(3) *Import sales.* The provisions of this regulation do not apply to the purchases, sales or deliveries of the commodities named in this regulation if they originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such imported commodities are governed by the provisions of the Maximum Import Regulation.

(4) *Exchanges.* Exchanges of petroleum products between refiners unless a provision is written or a price established solely for this type of transaction. Such exchanges shall also be exempt from the General Maximum Price Regulation.

(5) *Subsidiaries.* Sales between corporations when one is a wholly owned subsidiary of the other, or when both are wholly owned subsidiaries of a third corporation, and sales between such other affiliated corporations as are especially excepted by order in writing of the Price Administrator or his duly authorized representative. Such sales shall also be exempt from the General Maximum Price Regulation.

(6) *Secret contracts.* This regulation shall not apply to sales or deliveries of any product made under a contract or subcontract that is officially classified as "Secret" and certified as such to the Office of Price Administration by the United States or any agency thereof, or by the Government, or any agency thereof of any Country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States." Such certification shall set forth the date of the secret contract or subcontract and its number or other designation. The certifying Government agency shall notify the contractor or subcontractor and the Office of Price Administration whenever such contract or subcontract ceases to be secret; upon receipt of such notification this exception shall not apply. Such sales shall also be exempt from the General Maximum Price Regulation.

(b) *Commodities.* Motor oils including aviation oils, stock oils (neutrals, bright stocks, steam refined and other stock oils), greases, industrial oils, petroleum sulphonates, mineral oil polymers, and any other fraction of crude petroleum which is sold as a source of any of the foregoing commodities, unless specifically excluded in the following paragraph.

The following commodities are not included in this regulation: Insecticides; germicides; core oils and core washing oils; household oils, upper motor lubricants and other specialty lubricants and compounds such as sealing and thread compounds, honing oil, etc., normally sold to consumers by sellers other than petroleum refiners, compounders, jobbers and service stations; petrolatum, paraffin wax, microcrystalline wax, slop wax, and any compound a major portion of which consists of any of these products; asphalt and asphalt products; crude petroleum; naphthenic acids; those petroleum products coming under Maximum Price Regulation No. 88 or any superseding regulation; and those petroleum products excepted from price control by any applicable price regulation.

(c) *Areas.* This regulation applies in the forty-eight states of the United States, the District of Columbia, and the territories and possessions of the United States, except sales and deliveries in the Panama Canal Zone excepted by Supplementary Order No. 8.

SEC. 2. *Transfers of business or stock in trade.* This section covers cases where the business effects or stock in trade of any seller or any person are sold, leased or otherwise transferred after October 15, 1941 in the case of motor and stock oils, or after March 31, 1942, in the case of other products, and the transferee carries on the business or contracts to deal in the same commodity in an establishment separated from any other establishment previously owned or operated by the transferee. In such cases the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place. His obligation to keep records and make reports shall be the same as those of the tansferor. The transferor shall either preserve and make available or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation and those of the General Maximum Price Regulation where the latter were applicable.

SEC. 3. *Federal and State taxes*—(a) *Tax in effect during March 1942.* Where a seller during March 1942 included a tax (either directly or by separate statement and collection) as a part of his price for a petroleum product, he may include such tax (either directly or by separate statement and collection) as a part of any maximum price established under this regulation for that product or for a new product he is now selling which is subject to the same tax.

(b) *Tax or increase in tax effective after March 1942.* Any tax increase or new tax imposed after March 31, 1942, upon or incident to the sale, delivery, processing, or use of any petroleum product covered by this regulation may be collected by a seller in addition to the maximum prices established under this regulation.

NOTE: Supplementary Order No. 31 (7 F.R. 9894) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting

coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."

SEC. 4. *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* Any person who has entered into or proposes to enter into a "Government contract" as defined by Revised Supplementary Order No. 9 who believes that a maximum price contained in this regulation impedes or threatens to impede production, manufacture or distribution of a commodity essential to the war program, may file an application for adjustment in accordance with Procedural Regulation No. 6 and under terms of Revised Supplementary Order No. 9.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

(c) *Local shortages.* The Office of Price Administration, or any duly authorized representative thereof, may adjust by order any maximum price established under this regulation for any seller or group of sellers when it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of a petroleum product which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such petroleum product; and

(3) That such adjustment will not create or tend to create a shortage or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

NOTE: Applications for adjustment shall be filed in Washington, D. C., in accordance with Revised Procedural Regulation No. 1.

(d) *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery. Where a petition for adjustment or amendment is pending the buyer and seller may agree that prices for deliveries made during the pendency of the petition shall be determined in accordance with the disposition of the petition. The new maximum prices established in accordance with the disposition of the petition will be permitted to apply to the deliveries which were made while the petition was pending if the deliveries are necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

SEC. 5. *Records and price filing requirements.* (a) Every person selling petroleum products subject to this regulation shall keep for a period of two years and make available for examination by the Office of Price Administration records of the same kind as he customarily kept, relating to the prices which he charged for such petroleum products and in addition, records showing the basis upon which he determined maximum prices for such petroleum products.

(b) Within thirty days after the effective date of this regulation each refiner, blender or compounder of any commodity for which maximum prices are established under this regulation shall file with the Office of Price Administration in Washington, D. C., in duplicate, a list of his selling prices including therewith his written statement of discounts and price differentials which he supplies to his salesmen, on all of such commodities which he produces. The list shall consist of the prices which he customarily publishes for use of his sales department, customers or distributors. It need not include prices for individual products and formulas which are not customarily published in such manner. The filing of such prices shall not constitute their establishment as maximum selling prices nor their approval as such by the Office of Price Administration.

SEC. 6. *Shifts which must be reported.* A seller who on the last sale prior to the effective date of this regulation sold a particular petroleum product to a purchaser who is a reseller on a delivered price basis at a given point and thereafter sells such a reseller on an f. o. b. shipping point price basis shall report such fact to the regional office of the Office of Price Administration serving the point of destination for such shipment within ten days after such sale is made, if but only if, the effect of selling on an f. o. b. shipping point price basis is to increase the laid-down cost to the reseller above the seller's maximum delivered price to such reseller.

SEC. 7. *Compliance with this regulation*—(a) *No selling or buying above maximum prices.* Regardless of any contract or obligation, no person shall sell or deliver and no person shall buy or receive any commodity governed by this regulation at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things. Prices lower than the maximum prices may, of course, be charged and paid.

(b) *Evasion.* The price limitations set forth in this regulation shall not be evaded either by direct or indirect methods in connection with a sale, delivery or transfer of petroleum products alone or in conjunction with any other materials or by way of any commission, service, transportation, loading, tank car rental or other charge or discount, premium or privilege or by tying agreement or other trade understanding or by a change in the quality of a product or otherwise.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended. War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. Persons who make sales covered by this regulation to War procurement agencies and buyers to whom such products have been allocated by any such agencies are, however, subject to all the liabilities imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(d) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 8. *Definitions.* (a) "Motor oil" means a lubricating oil when sold for use in the crank cases of internal combustion diesel or gasoline engines installed in mobile equipment, exclusive of rail and marine equipment. By internal combustion engine is meant that type of engine commonly used in an automobile, motorcycle, truck, bus, tractor, airplane, etc. Oils sold exclusively for break-in purposes are classed as industrial oils.

(b) "Industrial oil" means those petroleum oils and compounds thereof used for lubricating and non-lubricating purposes sold primarily for the lubrication of industrial machinery or for processing or other industrial use except as fuel. Examples are lubricating oils for machinery, stationary diesel and gasoline engines and rail and marine equipment; lubricating oils for testing and breaking-in automotive and aircraft engines; ink oils; transformer oils; cable compounds; hydraulic oils; oils and compounds for processing textiles, rubber, fibres, leather, paper, etc.; cutting oils and compounds; rust preventives; etc.: *Provided,* That no product shall be considered an industrial oil unless it is intended for ultimate sale to industrial (including rail and marine) consumers and unless approximately 50% of its non-aqueous constituents are derived from petroleum.

(c) "Grease" means oils commonly sold for the lubrication of automotive gears and soap-thickened oils suitable for lubrication.

(d) "Gross profit" means in the case of producers the difference between the net maximum selling price and the ingredient values, and in the case of sellers at wholesale the difference between the net maximum selling price and the cost delivered to seller's plant.

(e) "Ingredients values" are determined as follows:

(1) If the ingredients are purchased by the seller, he shall use the maximum prices which his suppliers of such ingredients may charge him under applicable price regulations, including cost of delivery to seller's plant.

(2) If the ingredients are obtained from the seller's own refinery, he may use the refinery value, inventory value, works billing price, or other similar value which he customarily places on such ingredients.

(f) "Highest price charged during March 1942" means:

(1) The highest price which the seller charged at the same shipping or delivery point to a purchaser of the same class for delivery of the particular petroleum product during March 1942.

(2) If the seller made no such delivery during March 1942, such seller's highest offering price to a purchaser of the same class for delivery during that month.

(3) If the seller made no such delivery and had no such offering price to a purchaser of the same class, the highest price charged or offered by the seller during March 1942 to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers.

(4) In no event, however, shall a price charged pursuant to a contract entered into prior to March 1942 be regarded as a price charged in March 1942 unless such contract was adjustable to reflect current market conditions at or about the dates of deliveries under such contract.

(g) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for a commodity for sales to purchasers performing different functions (for example, refiner; jobber; distributor; commercial, industrial or private consumer; service station tank car dealer; divided or undivided tank wagon dealer, etc.), or for purchasers performing the same function but located in different areas or buying in different quantities or grades or under different conditions of sale. Price is prima facie evidence but not conclusive evidence to be considered in determining if a purchaser belongs to a particular class; however, a lower price to a particular purchaser which was to meet competition and otherwise was inconsistent with the seller's practice in setting the same price to the particular purchaser and one or more other purchasers, shall neither result in placing the particular purchaser in a lower price class nor be considered in determining a seller's maximum price.

(h) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes any government, its political subdivisions and agencies.

(i) "Retail establishment" means the physical location of the store, shop, garage, service station, or other place of business in which petroleum products are sold at retail other than by delivery in tank wagon or larger lots.

(j) "Seller of the same class" means a seller (1) performing the same function, (2) of similar type, (3) dealing in the same type of commodity, and (4) selling to the same class of purchaser.

(k) "Contract" means an agreement, the existence of which is established by written evidence.

SEC. 9. *Index; reports, records and petitions.* (a) The following reports are required by this regulation:

Section 1 (a) (6)—Certification of secret contracts.
Section 2 (a)—Reports to continue unchanged in case of transfer of business.
Section 5 (b)—Filing of list of selling prices required of refiners, blenders and compounders.
Section 6 (a)—Shifts from delivered to f. o. b. price basis which must be reported.
Section 14 (c) (2)—Report of prices for products changed because of shortages of ingredients.
Section 16 (a)—Report of tentative or sale price where seller is unable to determine his maximum price under other methods.

(b) The following records are required by this regulation:

Section 5 (a)—Customary records required to be kept for two years.
Section 2—Records to continue unchanged in case of transfer of business.

(c) The following petitions may be filed under this regulation:

Section 4 (a)—Government contracts.
Section 4 (b)—Petitions for amendment.
Section 4 (c)—Local shortage adjustments.

ARTICLE II—PRICING PROVISIONS

NOTE: How to determine maximum prices.

Specific maximum prices are set forth in section 10 for certain stock oils sold in bulk lots.

If no specific maximum price is provided, you will determine your maximum price as follows:

1. *In the case of motor and stock oils sold by any seller including wholesalers:*

(a) By using your price on the last sale prior to October 15, 1941, as outlined in section 11. If a maximum price cannot be determined in this way,

(b) By continuing to use the maximum price of your most closely competitive seller of the same class, if you have heretofore used such price as your maximum price under § 1340.159 (b) (3) of Revised Price Schedule No. 88 and have heretofore printed it in your published price list or other customary method of publication. If a maximum price cannot be determined in this way,

(c) By using the blending, minor differences or shortages methods outlined in section 14. If a maximum price cannot be determined by these methods,

(d) By using the final pricing method set forth in section 16.

2. *In the case of all products other than motor and stock oils sold by any seller including wholesalers:*

(a) By using your March 1942 price as outlined in section 13. If a maximum price cannot be determined in this way,

(b) By using the blending, minor differences or shortages methods outlined in section 14. If a maximum price cannot be determined by these methods,

(c) By using the final pricing method set forth in section 16.

3. *Prior price approvals:* Certain prior price approvals and orders granted under Revised Price Schedule No. 88 are continued in effect under this regulation by section 15.

SEC. 10. *Specific maximum prices for certain stock oils in bulk lots*—(a) *Pennsylvania grade stock oils.* Maximum prices in bulk lots to jobbers, compounders, blenders and refiners loaded into all types of transportation facilities (except tank wagons) f. o. b. refineries in the Western Pennsylvania Field shall be as follows:

(1) *Viscous neutrals—No. 3 Color. Viscosity at 70° Fahrenheit:*

	Cents per gallon
(i) 200 Viscosity (180 at 100°) 420–425 Flash Point:	
0 pour test	40.5
10 pour test	39.5
15 pour test	38.5
25 pour test	33.0
(ii) 150 Viscosity (143 at 100°) 400–405 Flash Point:	
0 pour test	38.5
10 pour test	37.5
15 pour test	36.5
25 pour test	31.0

(2) *Cylinder stocks:*

(i) Bright stocks (145–155 vis. at 210°, 540–550 fl., No. 8 col.):	
10 pour test	30.5
15 pour test	29.5
25 pour test	25.0
(ii) Other stocks:	
600 S. R. filterable	15.0
650 S. R.	15.5
600 fl.	16.0
630 fl.	17.0

(b) *Mid-continent stock oils.* (Conventionally refined; does not apply to "solvent" oils)—Maximum prices in bulk lots to jobbers, compounders, blenders and refiners loaded into all types of transportation facilities (except tank wagons) f.o.b. refineries in Oklahoma shall be as follows:

(1) *Neutrals (vis. at 100 F., 0–10 pour point)*

(i) Pale oils:

Vis.	Color	Cents per gallon
60–85	No. 2	8
86–110	No. 2	8.5
150	No. 3	14.5
180	No. 3	15
200	No. 3	15
250	No. 3	16
280	No. 3	17
300	No. 3	18

(ii) Red oils:

180	No. 5	15
200	No. 5	15
280	No. 5	17
300	No. 5	17.5

NOTE: Viscous Neutrals (150 Vis. or heavier) 15–25 pour point are 0.5¢ under 0–10 pour point. 60–85 and 86–110 No. 2 non-viscous oils 15–25 pour point are 0.25¢ under 0–10 pour point oils.

(2) *Cylinder stocks*	Cents per gallon
(i) Bright stocks (viscosity at 210°):	
200 Viscosity D	27.0
150–160 Viscosity D:	
0–10 Pour point	23.0
10–25 Pour point	22.5
24–40 Pour point	23.0
150–160 Viscosity E	22.0
120 Viscosity D:	
0–10 Pour point	22.0
(ii) Other stocks:	
600 S. R. Dark Green	8.5
600 S. R. Olive Green	10.0
631 S. R.	18.5
Black oil	4.0

NOTE: For sales to exporters and export sales at Gulf Coast ports see paragraph (e) below.

(c) *South Texas neutral oils.* Maximum prices in bulk lots to jobbers, compounders, blenders and refiners loaded into all types of transportation facilities (except tank wagons) f. o. b. refineries in the South Texas Field, including Gulf Coast refineries, shall be as follows:

	Cents per gallon
(1) Pale oils (viscosity at 100° F.):	
100 No. 1½–2½	6.5
200 No. 2–3	8.75
300 No. 2–3	9.25
500 No. 2½–3½	10.0
750 No. 3–4	10.25
1200 No. 3–4	10.375
2000 No. 4	10.5
(2) Red oils:	
100 No. 5–6	6.5
200 No. 5–6	8.75
300 No. 5–6	9.25
500 No. 5–6	10.0
750 No. 5–6	10.25
1200 No. 5–6	10.375
2000 No. 5–6	10.5

NOTE: For sales to exporters and export sales at Gulf Coast ports see paragraph (e) below.

(d) *Chicago prices; neutral, unfiltered steam-refined, bright stocks and filtered stocks (From Midcontinent pipe line crude).* Maximum prices in bulk lots to jobbers, compounders, blenders and refiners loaded into all types of transportation facilities (except tank wagons) f. o. b. refineries located in the Chicago area shall be:

[Neutral oils viscosity at 100° F. 0–10 pour point]

(1) Pale oils:

Vis.	Color	Cents per gallon
60–85	No. 2	9.5
86–110	No. 2	10
150	No. 3	15.5
180	No. 3	16
200	No. 3	16
250	No. 3	17

(2) Red oils:

180	No. 5	16
200	No. 5	16
250	No. 5	17
280	No. 5	18
300	No. 5	18.5

NOTE: Viscous oils (150 Vis. or heavier) 15 to 30 pour point are 0.5¢ under 0–10 pour point. 60–85 and 86–110 No. 2 non-viscous oils, 15 to 30 pour point, 0.25¢ under 0–10 pour point.

(3) Unfiltered steam refined: (*Viscosity at 210°*)	
140	11.5
160	12.5
200	13.5
(4) Bright stocks, 160 vis. at 210 No. 8 color:	
0 to 10 pour point	24.0
15 to 25 pour point	23.5
30 to 40 pour point	21.5
E filtered cylinder stock	15.5

NOTE: To obtain prices delivered in Chicago, add 0.25¢ per gallon.

(e) *Sales to exporters and export sales at Gulf Coast Ports.* Prices set out in tables 1 and 2 below shall be the maximum prices in bulk at Gulf Coast ports for sales to exporters and shall also be deemed the maximum domestic prices for the purpose of determining a maximum export price at such ports under the Second Revised Maximum Export Price Regulation. These prices are F. O. B. refineries and terminals loaded into all types of transportation facilities (except tank wagons):

	Cents per gallon
(1) *Mid-continent lubes:*	
200 Vis. D 210 Bright Stock	28.8
150 Vis. D 210 Bright Stock:	
0–10 pour point	24.8
10–25 pour point	24.3
100 Vis. D 210 Bright Stock:	
0–10 pour point	24.3
10–25 pour point	23.8
200 Vis. No. 3 Col. Neutral:	
0–10 pour point	16.8

(2) *South Texas lubes:*

[Vis. at 100° C. t. 0]

(i) Unfiltered pale oils:

Vis.	Color	Cents per gallon
100	No. 3	6.25
200	No. 3	7.75
300	No. 3	8.25
500	No. 3½	9.25
750	No. 4	9.75
1200	No. 4	10.25
2000	No. 4	12.5

(ii) Red oils:

100	No. 5–6	6.5
200	No. 5–6	7.75
300	No. 5–6	8.25
500	No. 5–6	9.25
750	No. 5–6	9.75
1200	No. 5–6	10.25
2000	No. 5–6	11.0

SEC. 11. *Motor and stock oils—Last sale prior to October 15, 1941 method.* Where no applicable specific price is set forth in section 10 the maximum price for each seller at a given shipping or delivery point for motor or stock oils shall not exceed the net price charged at that point by him on the last sale of the same product to a purchaser of the same class, within sixty days prior to October 15, 1941. Where the product is sold on a delivered basis at a given point the maximum price shall be the net price charged on the last sale of the same product to a purchaser of the same class made on a delivered basis at that point in the period specified. Where the product is sold at a given point on an f. o. b. shipping point basis, the maximum price shall be the price charged on the last f. o. b. shipping point sale at that point of the same product to a purchaser of the same class in the period specified. The term "sale" as hereinabove employed shall include (1) sales and contracts of sale made during the period specified, and (2) deliveries made during the period specified under a contract made prior thereto, if the prices chargeable under such contract were adjustable to reflect market conditions during the said period.

SEC. 12. *Motor and stock oils; price of competitive seller method.* If the maximum price for a motor or stock oil at a given shipping or delivery point was determined prior to the effective date of this regulation on the basis of the maximum price of the seller's most closely competitive seller of the same class for a product of the same grade pursuant to § 1340.159 (b) (3) of Revised Price Schedule No. 88, and a sale was made at such price, or such price was evidenced by publication in seller's published price list or other customary method of publication used by the seller, the seller may continue to use such price as his maximum price.

SEC. 13. *All products other than motor and stock oils—March 1942 price method.* (a) The maximum price for all products covered by this regulation other than motor and stock oils shall be the highest price charged in March 1942 (defined in section 8 (f)), except:

(1) The maximum price established prior to February 25, 1943, for industrial oils and greases, or prior to May 13, 1943, for petroleum sulphonates and mineral oil polymers, in accordance with the provisions of the General Maximum Price Regulation may be continued as the maximum price provided a sale was made at such price or such price was evidenced by publication in the seller's published price list or other customary method of publication used by the seller.

(2) The period April 10, 1942 to May 10, 1942, inclusive, shall be substituted for March 1942 in applying the provisions of this section to the territories of Puerto Rico and the Virgin Islands.

(b) If the particular product was not delivered or offered for delivery during March 1942 but was delivered or offered for delivery prior thereto, the seller's maximum price thereof, shall be determined under the final pricing method described below under section 16.

SEC. 14. *All products—Minor differences, blending and shortages methods (to be used only where a maximum price cannot be determined under the preceding pricing methods)*—(a) *Minor differences method.* Where a maximum price for a particular product cannot be determined under the preceding pricing methods of this regulation and where the product differs from a product for which a maximum price has been determined under this regulation only by reason of minor differences in composition which do not prevent its offering substantially equivalent serviceability, the maximum price of the particular product shall be the same as that of the product for which a maximum price has been established, except that:

(1) *Producers.* A producer may not use this provision if the ingredients value of the particular product varies from the ingredients value of the product for which he has an established maximum price by more than approximately ten per cent of the gross profit of the original product.

(2) *Wholesalers.* A wholesaler may not use this provision if the delivered cost of the particular product varies from the delivered cost of the product for which he has an established maximum price by more than approximately ten per cent of the gross profit of the original product.

(b) *Blending or compounding method.* New products resulting from the blending or compounding of two or more petroleum products each of which has a maximum price.

(1) *Producers.* Where a producer cannot establish a maximum price under the preceding pricing methods of this regulation, the maximum price of any product which is produced by mixing two or more petroleum products for each of which the producer has a maximum price to purchasers of the same class, shall be the weighted average by volume or by weight of the maximum prices of such products plus a mixing charge of ½¢ per gallon. In determining the weighted average mentioned above, the seller shall multiply the per unit maximum price of each product being blended by the percentage (by volume or weight as above prescribed) of each ingredient and add the results of such multiplication.

(2) *Wholesalers.* Where a producer has established his maximum price for a new product by using the blending or compounding method set forth above, wholesalers shall apply for a maximum price for the new product under the final pricing method set forth in section 16.

(c) *Shortages method.* Changes in products necessitated by shortages of ingredients.

(1) *Producers.* Where a producer has an established maximum price for a product under the preceding pricing methods of this regulation and is required to change the product because of shortages of certain ingredients, his maximum price shall be the established maximum price of the original product adjusted by adding or subtracting the increase or decrease in ingredients value (defined in section 8 (e)) resulting from the changes, provided he is unable to establish a maximum price for the new product by use of the preceding pricing methods of this regulation. However, this shortages method shall not be used in determining a maximum price unless the change in ingredients results in an increase or decrease in the ingredients value of the product by more than 10% of the gross profit (defined in section 8 (d)) of the original product.

(2) *Report of maximum price.* Within fifteen days after a purchaser first agrees to buy a commodity for which a maximum price must be determined by this shortages method, or at any time prior thereto, the producer shall report to the Office of Price Administration, Washington, D. C. the maximum price computed by him. The report shall set forth the following in the manner and form prescribed below:

OPA Form No. 652:171

Form Approved
Budget Bureau No. 08-R331

OFFICE OF PRICE ADMINISTRATION

Report of Tentative Maximum Price
Due to Change in Ingredients Resulting from Shortages
Industrial Lubricating Oils and Greases*

Name of Product_____ Class of Purchaser_____

PART A—MAXIMUM PRICE

Unit of sale	*Original product*	*New product*
1. Pounds☐ Gallons☐ (Specify by "×")	2. _____ (As determined under this schedule) *Composition of products*	3. _____ _____

PART B—ORIGINAL PRODUCT

Line	Ingredient [1]	% used	Value per unit [2]	Value of product
	1	2	3	4
1				
2				
3				
	Total	100.0	XXXX	

PART C—NEW PRODUCT

Line	Ingredient [1]	% used	Value per unit [2]	Value of product
	1	2	3	4
1				
2				
3				
	Total	100.0	XXXX	

State the Reason for Each Shortage of Ingredients Indicated in Part B-Column 1:

Instructions and footnotes.—Footnote No. 1 In parts B and C the ingredients listed in column 1 should correspond line by line. Where new ingredients are used these should be listed in column 1 of Part C following the list of original ingredients. Indicate ingredients changed as a result of a shortage and each substitute ingredient by an asterisk (*).

Footnote No. 2 Before computing these values see Section 14 (c).

The unit of sale should be the same for Part A1 and Parts B and C.

Such price shall be the seller's maximum price at the particular shipping point or delivery point for the particular product until the said price is disapproved in writing by the Office of Price Administration or until the seller is notified in writing that a substitute price has been set by the Office of Price Administration. If a substitute price is set, then such price shall be the maximum price subject, however, to further substitution at any time of another maximum price by the Office of Price Administration.

The producer shall notify in writing each person purchasing the new product for resale at wholesale that his maximum price for the new product shall be his maximum price for the product being replaced, adjusted by the amount of the difference in the cost to him of the new product.

(3) *Wholesalers.* Where a producer's maximum price for a product has been increased or decreased by use of this shortages method, the wholesaler's maximum price for such product shall be increased or decreased by the same amount as the increase or decrease in the producer's maximum price.

*Upon written request by the producer, information contained in the report shall be treated as confidential.

SEC. 15. *Prior orders and price approvals.* (a) Orders of adjustment Nos. 1, 2, 3, 9 and 10 were issued pursuant to § 1340.156 (c) (2) of Revised Price Schedule No. 88. Sellers affected by such orders may, notwithstanding the other provisions of this regulation charge the maximum prices authorized by such orders.

(b) If a maximum price for a product at a given shipping or delivery point cannot be established under any preceding provision of this regulation and if a maximum price for a product at the particular point was heretofore approved for a seller under § 1340.159 (b) (7) of Revised Price Schedule No. 88, such approval shall be deemed to continue in full force and effect as if granted under section 16 of this regulation.

(c) If a maximum price for a product was heretofore approved for a seller under the Third Pricing Method contained in § 1340.159 (e) (4) (iii) (*a*) of Revised Price Schedule No. 88 (Changes necessitated by shortages of ingredients), such approval shall be deemed to continue in full force and effect as if granted under section 14 (c) of this regulation.

SEC. 16. *All products; final pricing method.* (a) If under any of the preceding pricing methods of this regulation a seller is unable to determine the maximum price at a given shipping or delivery point for any product covered by this regulation then the seller may nevertheless make a sale of such product at the said point or may notify the Office of Price Administration in writing that he has set a tentative maximum price for the product at the said shipping or delivery point. In giving notice of the setting of such tentative maximum price or within 15 days of the making of the said sale, the seller shall file with the Petroleum Branch of the Office of Price Administration, Washington, D. C., a written request for the approval of either the tentative or sale price and together with such request a statement setting forth:

(1) Such tentative or sale price and in the latter case, full details of the sale;

(2) An explanation as to why it is impossible for the seller to establish a selling price under the preceding pricing methods of this regulation.

(3) If a new product, the reason for the introduction of a new product at this time.

(4) (i) An explanation, supplemented by specifications showing how the particular product differs from two other of his products having the same end use, which are closest in ingredients value and most nearly similar in specifications and for which maximum prices are established under this regulation for purchasers belonging to the same class; also the ingredients value and seller's maximum prices for such products, and the ingredients value of the new product.

(ii) Should (i) be inapplicable inasmuch as the most nearly similar products having the same end use have extremely wide specification variations, the seller shall submit an explanation,

including ingredient values and maximum selling prices, showing how the particular product differs from the two products closest in ingredients values and sold for the same end use for which maximum prices are established under this regulation for purchasers belonging to the same class.

Maximum prices which have been established on the basis of comparison with a competitor's price and which have not been reported to the Office of Price Administration may not be used for purposes of comparison in this subparagraph (4).

(5) (i) The maximum prices of the three nearest competitive sellers of the same class for the same or comparable commodity at the nearest point for which the tentative price was set;

(ii) If the seller has an established maximum price or prices at other points for the same commodity for which a tentative price is herein established, such prices for the three nearest points.

An applicant need not supply information under both subparagraphs (4) and (5) if the applicant believes that the information he submits under only one of such subparagraphs clearly justifies the tentative maximum price for which he is requesting approval. If information under both subparagraphs is needed for the purpose of establishing a maximum price, it may be required at a later date by the Office of Price Administration.

Such tentative or sale price shall be the seller's maximum price at the particular shipping point or delivery point for the particular product until the said price is disapproved in writing by the Office of Price Administration or until the seller is notified in writing that a substitute maximum price has been set by the Office of Price Administration. Either an approved tentative or sale price or a substitute maximum price set by the Office of Price Administration may be replaced by another maximum price upon written notice to the seller from the Office of Price Administration.

If a seller shall fail to report a sale as required by this section, the Office of Price Administration may at any time upon written notice to the seller establish his maximum price for the particular product at the particular point effective retroactively to a date 15 days after the making of the said sale.

SEC. 17. *Exceptions for Hawaii; greases, motor, stock and industrial oils.* A seller's maximum price for a grease or a motor, stock or industrial oil at a particular shipping or delivery point in the Territory of Hawaii shall be the sum of his maximum price at such point for such product as determined by other provisions of this regulation and the amount designated below:

Product:	Amount
Motor, Stock and Industrial Oils	4 cents per gallon
Greases	.5 cents per pound

SEC. 18. *On sales to Government agencies pursuant to Government bidding.* (a) Notwithstanding the other provisions of this regulation, a seller may charge for any petroleum product covered by this regulation on any sale thereof, pursuant to open and public bidding, to any governmental agency, whether state or Federal, or any state or political subdivision thereof, either:

(1) His own maximum price under the other provisions of this regulation, or

(2) The amount of the highest maximum price established under this price regulation for any person participating in the particular bidding for sale of the same product to the same buyer.

(3) No bid at any such bidding regardless of the amount thereof shall be deemed to conflict with any provision of this regulation.

Effective date. This regulation shall become effective February 19, 1944 as to the 48 states an dthe District of Columbia and April 4, 1944 as to the territories and possessions, except the Panama Canal Zone.

NOTE: All reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2175; Filed, February 14, 1944; 11:48 a. m.]

PART 1384—HARDWOOD LUMBER PRODUCTS

[MPR 176,[1] Amdt. 7]

SOUTHERN ROTARY CUT BOX GRADE VENEER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 176 is amended in the following respects:

1. The title of the regulation "Rotary Cut Southern Hardwood Box Lumber" is amended to read "Southern Rotary Cut Box Grade Veneer".

2. The words "rotary cut southern hardwood box lumber", "rotary cut southern hardwood lumber", "rotary cut box lumber", and "rotary cut lumber" wherever appearing in §§ 1384.1, .5, .9, .10, .12, and .13, are amended to read "southern rotary cut box grade veneer".

3. The words "rotary cut egg case lumber" are amended to read "rotary cut egg case veneer" wherever appearing in §§ 1384.12 (c) and (d).

4. In § 1384.4, *Evasion*, the second paragraph is amended to read as follows:

It is unlawful for any person to charge, receive or pay a commission for the service of procuring, buying, selling or locating box grade veneer, or for any related service (such as "expediting") which does not involve actual physical handling of box grade veneer, if the commission plus the purchase price results in a total payment by the buyer of box grade veneer which is higher than the maximum price of the box grade veneer. For the purposes of this regulation a commission is any compensation, however designated, which is paid for the procurement of box grade veneer. This prohibition has no application to the case of a bona fide employer-employee relationship where the employee serves only one employer, insofar as box grade veneer procurement is concerned, and where the compensation paid by the employer is a fixed salary and is not based directly or indirectly on the quantity, price or value of the box grade veneer in connection with which the service is rendered.

5. Section 1384.8 (a) (3) is amended to read as follows:

(3) "Southern rotary cut box grade veneer" means veneer of any species,

(i) Cut on a rotary cutting machine (lathe);

(ii) Cut at a mill located in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Missouri, Tennessee, or Kentucky;

(iii) Conforming to the grading rules set forth in § 1384.13, Appendix B, hereof, except that cut backs and cut downs in excess of the proportion set forth in paragraph (e) (1) of § 1384.13, Appendix B, shall be considered southern rotary cut box grade veneer; and

(iv) Which either has or has not been cut into box-part finished sizes by means of a saw or comparable cutting device.

This amendment shall become effective February 19, 1944.

(56 Stat. 23; 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

NOTE: All reporting and record keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2167; Filed, February 14, 1944; 11:46 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 7]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The fifth sentence of section 9.5 (c) (3) is amended to read as follows:

"If the transferor does not get the points within the time required by this subparagraph, he must notify the district office for the place where his establishment is located of the default, not later than the Friday following the calendar week in which the default occurred."

This amendment shall become effective February 18, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5180, 7243, 7454, 8949; 8 F.R. 2993, 4720, 7490, 13250.

[1] 9 F.R. 3, 104, 695, 574, 848, 765.

approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Food Dir. 3, 8 F.R. 2005, and Food Dir. 5, 8 F.R. 2251)

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2172; Filed, February 14, 1944; 11:46 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 104]

MEATS, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The fifth sentence of section 10.5 (d) (3) is amended to read as follows: "If the transferor does not get the points within the time required by this subparagraph, he must notify the district office for the place where his establishment is located of the default, not later than the Friday following the calendar week in which the default occurred."

This amendment shall become effective February 18, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2171; Filed, February 14, 1944; 11:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

SUBPART E—SECURITY REGULATIONS FOR VESSELS IN PORT

Pursuant to the authority contained in section 1, Title II of the Espionage Act approved June 15, 1917, 40 Stat. 220, as amended by the act of November 15, 1941, 55 Stat. 763 (50 U.S.C. 191, 191a), and by virtue of the Proclamation and Executive order issued June 27, 1940 (5 F.R. 2419), and November 1, 1941 (6 F.R. 5581), respectively, the regulations relating to the control of vessels in the navigable waters of the United States are hereby amended as follows:

§ 6.355 *Readiness of engines.* * * *

(a) Whenever a vessel moored to a waterfront facility is without power to operate its fire pumps, suitable measures shall be taken to place hose lines aboard for fire-fighting purposes sufficient to bring hose streams to bear on any part of the vessel where fire may occur. Such measures shall consist either of bringing separate hose lines aboard supplied from an adequate shore water supply if available on the waterfront facility to which the vessel is moored, or of connecting the vessel's fire system with such shore water supply. Whenever the vessel's fire system is to be connected with a shore drinking water supply and back flow prevention devices, approved by local health officers, are not installed on the supply outlet, the hose lines shall be led aboard and the necessary adapters and fittings provided, but no actual physical connection between the vessel's fire system and such water supply shall be made for fire-fighting purposes until an alarm is sounded; in such cases, a man on watch shall be definitely assigned to complete all connections, to open any necessary valves upon the sounding of the alarm, and to break such connections as soon as the necessity therefor has ended.

* * * * *

§ 6.395 *Inspection.* * * *

(a) *Inspection of dock on arrival.* Upon arrival at the dock the master shall designate officers to inspect its facilities for furnishing fire-fighting assistance, fresh water, steam, electricity and floodlighting. Inquiry shall be made of the terminal superintendent with regard to the immediate and continuous availability of fire apparatus, guard and pass service and the location of fire alarm boxes and telephones. All of this information shall be given to the master and deck officer on duty.

ARTEMUS L. GATES,
Acting Secretary of the Navy.

Approved: February 10, 1944.

FRANKLIN D ROOSEVELT,
The White House.

[F. R. Doc. 44-2141; Filed, February 14, 1944; 9:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary

PART 2—COPIES AND INSPECTION OF RECORDS

NOTE: For the text of the amendment to § 2.1, see "Revocation and amendments" at the end of Part 2a (Testimony of Employees and Use of Books, Records and Files in Judicial and Administrative Proceedings), *infra.*

PART 2a—TESTIMONY OF EMPLOYEES AND USE OF BOOKS, RECORDS AND FILES IN JUDICIAL AND ADMINISTRATIVE PROCEEDINGS

Pursuant to section 161 of the Revised Statutes (5 U.S.C. sec. 22), and the act of August 24, 1912 (37 Stat. 497, ch. 370; 5 U.S.C. secs. 488, 489), the following regulations are hereby prescribed:

Sec.
2a.1 Applicability.
2a.2 Employee's testimony subject to bureau head's permission.
2a.3 Prejudicial character of evidence determined by Secretary.
2a.4 Method of refusal to furnish records.
2a.5 Method of claiming privilege.

AUTHORITY: §§ 2a.1 to 2a.5, inclusive, issued under sec. 161 of Rev. Stat. (5 U.S.C. sec. 22), and act of Aug. 24, 1912 (37 Stat. 497, ch. 370; 5 U.S.C. secs. 488, 489)

§ 2a.1 *Applicability.* The regulations in this part shall govern the testimony of employees and the use of books, records, and files of the Department in judicial and administrative proceedings.

§ 2a.2 *Employee's testimony subject to bureau head's permission.* Employees of the Department shall not testify in any judicial or administrative proceeding concerning matters related to the business of the Government, or furnish books, records or files of the Department or copies thereof for use in such a proceeding, voluntarily or in response to process, without the written advance permission of the head of the bureau or office concerned. Where time does not permit an employee to obtain written advance permission from the head of the bureau or office concerned and all possible effort to postpone the time fixed for the taking of his testimony has been made without success, the employee may appear, but shall claim a privilege, respectfully refuse to answer questions until the matter can be referred to the head of the bureau or office involved and, if permission to answer be withheld, to the Secretary or Acting Secretary, and exhibit a copy of these regulations in justification of such refusal. A departmental attorney may accompany the employee called upon to testify where permission has been denied or where permission has been granted and the bureau chief deems it desirable.

§ 2a.3 *Prejudicial character of evidence determined by Secretary.* Any employee, whose testimony is sought or from whom departmental books, records or files or copies of them are sought to be obtained for use in any proceeding, shall request the written advance permission of the head of the bureau or office concerned to appear and testify or furnish books, records or files or copies of them and as a part of such request shall disclose in so far as possible the nature of the evidence sought. If the head of the bureau or office concerned deems the disclosure of the evidence sought to be prejudicial to the interests of the Government, he shall refer the matter to the Secretary or Acting Secretary, who shall make a written determination that the disclosure of the evidence sought is or is not prejudicial

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 13128, 13394, 13980, 14399, 14623, 14764, 14845, 15253, 15454, 15524, 16160, 16161.

to the interests of the Government and, consistent with such determination, the head of the bureau or office involved shall withhold or give his permission to the employee.

§ 2a.4 *Method of refusal to furnish records.* Any employee from whom departmental books, records or files, the disclosure of which has been determined to be prejudicial to the interests of the Government, are sought to be obtained shall respectfully refuse to furnish them or copies of them and exhibit a copy of these regulations and such determination in justification of such refusal.

§ 2a.5 *Method of claiming privilege.* Any employee appearing as a witness from whom evidence, the disclosure of which has been determined to be prejudicial to the interests of the Government, is sought to be obtained shall claim a privilege, respectfully refuse to answer and exhibit a copy of these regulations and such determination in justification of such refusal. In the event of unanticipated efforts to obtain evidence on which no prior determination has been had, the disclosure of which would, in the judgment of the employee involved or the departmental attorney accompanying him, be prejudicial to the interests of the Government, the employee shall claim a privilege, respectfully refuse to answer until the matter can be referred to the head of the bureau or office involved and, if permission to answer be withheld, to the Secretary or Acting Secretary, and exhibit a copy of these regulations in justification of such refusal.

Revocation and amendments. (a) Departmental Order No. 1610, dated September 16, 1941, is hereby revoked. (b) Section 2.1 of Part 2 of this subtitle is hereby amended by striking out "The" at the beginning of the section and substituting "Except as provided in Part 2a of this subtitle, the."

Issued and effective this 8th day of February 1944.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 44-2135; Filed, February 12, 1944; 10:23 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter K—Seamen

PART 132—ALLOTMENTS OF SEAMEN

SAVINGS BANK DEFINED

Under the authority vested in me by Executive Order 9083 (7 F.R. 1609) and section 10 (f) of the act of June 26, 1884, ch. 121, 23 Stat. 55, as amended (46 U.S.C. 599 (f)), § 132.1 of Subchapter K, 46 CFR, Chapter I, is amended by adding a new sentence at the end of paragraph (a) thereof to read as follows:

The term "savings bank" includes any Federal credit union organized in accordance with the provisions of the Federal Credit Union Act.

(Act of June 26, 1934, ch. 750, 48 Stat. 1216, 12 U.S.C. 1751–1771)

R. R. WAESCHE,
Commandant.

FEBRUARY 11, 1944.

[F. R. Doc. 44-2142; Filed, February 14, 1944; 9:52 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 182]

PART 95—CAR SERVICE

RESTRICTIONS ON USE OF FREIGHT CARS FOR TRANSPORTATION OF POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of February, A. D. 1944.

It appearing, that railroad freight cars, including refrigerator cars, are being used unnecessarily for transporting potatoes, other than sweet, from points in the State of Florida to points west or north of the line described below; thus impeding the use, control, supply, movement, distribution, exchange, interchange, and return of cars; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of cars and congestion of traffic: *It is ordered,* That:

§ 95.332 *Freight cars including refrigerator cars not to be used for transportation of potatoes, other than sweet.* (a) (1) No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation or move any railroad freight car (including a refrigerator car), loaded with potatoes, other than sweet, from any point in the State of Florida to any point located west of the Mississippi River from the Gulf of Mexico to its intersection with the Illinois-Wisconsin State Line, or north of the Illinois-Wisconsin State Line to Lake Michigan, or west or north of Lake Michigan to St. Ignace, Michigan, except as provided in paragraph (b).

(2) No common carrier by railroad subject to the Interstate Commerce Act shall accept or execute a reconsignment or diversion order requiring the transportation or movement of any railroad freight car (including a refrigerator car), loaded with potatoes other than sweet potatoes originating at any point in the State of Florida, to any point located west or north of the line described in paragraph (a) (1) of this section, except as provided in paragraph (b).

(b) *Exception.* The transportation or movement of potatoes, other than sweet, from points in the State of Florida to St. Louis, Missouri. This exception will not authorize the reconsignment or diversion of such potatoes to points west or north of the line described in paragraph (a) (1) of this section.

(c) *Application.* The provisions of this order shall not be construed to prohibit the transportation, movement, reconsignment, or diversion of any railroad freight car, including a refrigerator car, loaded with potatoes, other than sweet, billed or moving prior to the effective date of this order.

(d) *Tariff provisions suspended.* The operation of all tariff rules, regulations, or charges insofar as they conflict with the provisions of this order is hereby suspended.

(e) *Announcement of suspension.* Each railroad, or its agent, shall publish, file, and post a supplement to each of its tariffs affected thereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions set forth herein.

(f) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective at 12:01 a. m., February 15, 1944; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-2118; Filed, February 12, 1944; 11:26 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 802]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 20, 1944.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Ohio 4029F1 Pike	$527,000
Ohio 4050D1 Union	306,000
Ohio 4065F1 Fairfield	306,117
Ohio 4-2065F2 Fairfield	1,410,883

HARRY SLATTERY,
Administrator.

[F. R. Doc. 44-2090; Filed, February 11, 1944; 3:34 p. m.]

[Administrative Order 803]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 20, 1944.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Colorado 4–2022B3 Boulder	$15,000
Colorado 4–2025B2 Pueblo	15,000
Colorado 4–2029E2 Phillips	60,000
Illinois 4–2002D3 Wayne	50,000
Illinois 4–2039B3 Fulton	60,000
Iowa 4–2031C3 Grundy	70,000
Iowa 4–2079A4 Clarke*	100,000
Kansas 4–2027B2 Morris	50,000
Minnesota 4–2001D2 Kanabec	75,000
Minnesota 4–2079C1 Big Stone	13,000
Nebraska 4–1059C1 Butler District Public	4,150
South Carolina 4–1024B3 Marion	15,000
South Carolina 4–1027B3 Marlboro	15,000
Texas 4–1030E3 Upshur	50,000
Texas 4–1075B3 Wharton	25,000
Texas 4–1098B2 Young	35,000
Texas 4–1106A2 Taylor	75,000
Wisconsin 4–2035E3 Richland	50,000

HARRY SLATTERY,
Administrator.

[F. R. Doc. 44–2091; Filed, February 11, 1944; 3:34 p. m.]

[Administrative Order 804]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 29, 1944.

Administrative Order No. 625, dated October 7, 1941 (6 F.R. 5237), is hereby amended, by rescinding the allocation of $151,000 therein made for "North Carolina 2003B1 Wilson Public" (designation changed to read "North Carolina 2060A1 Wilson Public" by Administrative Order No. 637, dated November 10, 1941).

WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 44–2092; Filed, February 11, 1944; 3:34 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions therein contained and to the provisions of the applicable Determination and Order or Regulations cited above. The applicable Determination and Order or Regulations, and the effective and expiration dates of the Certificates issued to each employer is listed below. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

APPAREL INDUSTRY

Pullman Wholesale Tailors, 130–132 South West Temple Street, Salt Lake City, Utah; men's and women's clothing; 5 learners (T); effective February 16, 1944, expiring February 15, 1945.

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Berry Dry Goods Company, 105–107 East Markham Street, Little Rock, Arkansas; pants and overalls; 20 percent (AT); effective February 10, 1944, expiring August 9, 1944.

Berry Garment Manufacturing Company, 422–24 N. Kansas Avenue, Columbus, Kansas; one-piece suits; 15 learners (AT); effective February 9, 1944, expiring August 8, 1944.

Economy Dress Company, 105 West Locust Street, Fairbury, Illinois; ladies' dresses, blouses; 5 learners (T); effective February 7, 1944, expiring February 6, 1945.

Garden Dress Company, Oak and Balliett Streets, Frackville, Pennsylvania; dresses; 10 percent (T); effective February 9, 1944, expiring February 8, 1945.

Albert Given Manufacturing Company, 1301 W. Chicago Avenue, East Chicago, Indiana; men's and boys' trousers; 10 percent (T); effective February 10, 1944, expiring February 9, 1945.

Albert Given Manufacturing Company, 4859 Melville Avenue, East Chicago, Indiana; men's and boys' trousers; 10 percent (T); effective February 10, 1944, expiring February 9, 1945.

Hollywood-Maxwell Company, Front Street, Natchitoches, Louisiana; brassieres; 10 learners (T); effective February 9, 1944, expiring February 8, 1945.

Martha Maid Manufacturing Company, 367 West Adams Street, Chicago, Illinois; ladies' rayon slips and gowns; 10 percent (T); effective February 7, 1944, expiring February 6, 1945.

B. F. Moore & Company, 4 Eastern Avenue, Newport, Vermont; work clothing, sports clothing; 10 learners (T); effective February 7, 1944, expiring February 6, 1945.

Muscatine Pants & Overall Company, 416 East 3rd Street, Muscatine, Iowa; men's work clothing, shop aprons; 3 learners (T); effective February 10, 1944, expiring February 9, 1945.

Royal Manufacturing Company, Water Street, Washington, Georgia; cotton shorts, utility shorts, cotton trousers; 10 percent (T); effective February 12, 1944, expiring February 11, 1945.

Shane Uniform Company, Inc., 2015 West Maryland Street, Evansville, Indiana; washable uniforms; 10 percent (T); effective February 9, 1944, expiring February 8, 1945.

Tempest Manufacturing Company, Inc., Cherry Street, Jesup, Georgia; men's and boys' sport shirts; 10 percent (T); effective February 12, 1944, expiring February 11, 1945.

GLOVE INDUSTRY

Fairfield Glove & Mitten Company, Bonapart, Iowa; work gloves; 4 learners (T); effective February 10, 1944, expiring February 9, 1945.

HOSIERY INDUSTRY

Belle Meade Hosiery Mills, Inc., 51st and Centennial Boulevard, Nashville, Tennessee; seamless hosiery; 10 learners (AT); effective February 9, 1944, expiring August 8, 1944.

Martinat Hosiery Mills, Inc., Valdese, North Carolina; seamless hosiery; 12 learners (AT); effective February 9, 1944, expiring August 8, 1944.

Maryon Hosiery Mill, 12 Aycock Street, Carrollton, Georgia; seamless hosiery; 5 learners (T); effective February 9, 1944, expiring February 8, 1945.

KNITTED WEAR INDUSTRY

Bestok Underwear Company, Tower City, Pennsylvania; cotton knit underwear; 5 learners (T); effective February 9, 1944, expiring February 8, 1945.

Pottsville Mills, Inc., 480 Peacock Street, Pottsville, Pennsylvania; knitted outerwear; 15 learners (AT); effective February 12, 1944, expiring August 11, 1944.

TEXTILE INDUSTRY

Ninety Six Cotton Mill, Ninety Six, South Carolina; cotton grey goods; 3 percent (T); effective February 9, 1944, expiring February 8, 1945.

Signed at New York, N. Y., this 12th day of February, 1944.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 44–2166; Filed, February 14, 1944; 11:32 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-521]

PANHANDLE EASTERN PIPE LINE COMPANY

NOTICE OF APPLICATION

FEBRUARY 12, 1944.

Notice is hereby given that on January 28, 1944, the Panhandle Eastern Pipe Line Company, a Delaware corporation having its principal offices in Kansas City, Missouri, and Chicago, Illinois, filed with the Federal Power Commission an application for a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act, as amended, to authorize the construction and operation of the facilities hereinafter described.

Applicant, on December 30, 1943, entered into a contract with the Albion Malleable Iron Company to supply its natural gas fuel requirements on an interruptible basis for a period of three years. Applicant estimates that during the first year of service under said contract the Panhandle Eastern Pipe Line Company will deliver approximately 240,000 Mcf of natural gas.

It is asserted by the applicant that in order to comply with the aforementioned contract it will be necessary to construct approximately 14,300 feet of 3½-inch O. D. gas pipe line in a northeasterly directior from a point on Applicant's 12-inch Michigan West Line in Section 16, Township 3 South, Range 4 West, to a point in Section 33, Township 2 South, Range 4 West, near the city limits of Albion, Calhoun County, Michigan, and at the terminus of said line to construct a meter and regulator station and install the necessary appurtenant facilities, all of which are the subject of the application above referred to. Applicant seeks a certificate of public convenience and necessity to authorize the construction and operation of such facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 28th day of February 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's provisional rules of practice and regulation under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-2143; Filed, February 14, 1944; 9:51 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 20A-66]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN HORNELL, N. Y., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Hornell, New York, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Binghamton, New York, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-66" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Binghamton, New York.

8. This order shall become effective February 19, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 12th day of February, 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

John C. Coddington, d/b/a City Cab Service, 67 Broadway, Hornell, New York.
Anna Wyckoff, d/b/a Wyckoff's Taxi Service, 911 Broadway, Hornell, New York.

[F. R. Doc. 44-2095; Filed, February 12, 1944; 10:45 a. m.]

[1] Filed as part of the original document.

[Supp. Order ODT 20A-67]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN THE STOCKTON, CALIF., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Apendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Stockton, California, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith:

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Sacramento, California, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–67" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Sacramento, California.

8. This order shall become effective February 19, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 12th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Russel L. Warrick, Sherman A. Donaldson, and John L. Raggio, co-partners, d/b/a Yellow Cab and Baggage Co., Stockton, California.

Harry E. Mahaffey, d/b/a Union Cab Company, Stockton, Calif.

Saul Spiro, d/b/a Black and White Cab Co., Stockton, Calif.

[F. R. Doc. 44–2096; Filed, February 12, 1944; 10:45 a. m.]

[Supp. Order ODT 20A–68]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN THE FLINT, MICH., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Flint, Michigan, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. No road boss or supervisors employed by the operators pursuant to subparagraph (g) of paragraph 5 of the plan shall use coercive methods in effectuating compliance with the plan, and each such supervisor or road boss shall report to the Office of Defense Transportation all violation of orders issued by the Office of Defense Transportation applicable to taxicab operations and all failures to comply with the plan that may be observed by them. No operator participating in the plan shall be denied or refused further participation without the prior approval of the Office of Defense Transportation.

3. Subparagraph (j) of paragraph 5 of the plan (Appendix 2) stipulating that drivers will be automatically released in certain cases, is hereby disapproved.

4. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

5. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

6. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

7. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

8. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Saginaw, Michigan, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

9. Communications concerning this order should refer to "Supplementary Order ODT 20A–68" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Saginaw, Michigan.

10. This order shall become effective February 21, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 14th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Yellow & Checker Cab Co., Flint, Michigan.
Deluxe Cab Company, Flint, Michigan.
Peoples Cab Company, Flint, Michigan.

[F. R. Doc. 44–2164; Filed, February 14, 1944; 11:07 a. m.]

[Supp. Order ODT 20A–69]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN THE MEMPHIS, TENN., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Memphis, Tennessee, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies

[1] Filed as part of the original document.

having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Memphis, Tennessee, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–69" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Memphis, Tennessee.

8. This order shall become effective February 21, 1944 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 14th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Yellow Cab Company, Memphis, Tennessee.
Jolly Cab Company, Memphis, Tennessee.

[F. R. Doc. 44–2165; Filed, February 14, 1944; 11:07 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 229, Order 1]

CERTAIN RUBBER FOOTWEAR

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Orders 9250 and 9328, and § 1315.1705a of Maximum Price Regulation 229, *It is hereby ordered,* That:

(a) All wholesalers may sell or deliver to retailers and retailers may buy or receive men's molded sandals, men's molded clogs, and women's molded footholds at prices to be adjusted upward in accordance with any action that may hereafter be taken by the Office of Price Administration charging the applicable maximum price for wholesalers' sales to retailers.

(b) Unless and until the Office of Price Administration changes the maximum prices applicable to men's molded sandals, men's molded clogs, and women's molded footholds, no retailer may pay and no wholesaler may receive for such men's molded sandals, men's molded clogs, and women's molded footholds, more than the maximum prices presently established by Maximum Price Regulation 229.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective February 12, 1944.

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2107; Filed, February 12, 1944; 11:40 a. m.]

[RPS 67, Order 30]

VERDIN, KAPPES AND VERDIN CO.

DENIAL OF ADJUSTMENT APPLICATION

Order No. 30 Under Revised Price Schedule 67. New machine tools. Docket No. 3067–76.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, and pursuant to Procedural Regulation No. 6, *It is hereby ordered,* That:

(a) The application for adjustment of Verdin, Kappes and Verdin Company, Cincinnati, Ohio, (Docket No. 3067–76) is hereby denied.

(b) Any person other than the Verdin, Kappes and Verdin Company, Cincinnati, Ohio, may sell the following presses at a price which is not in excess of the following:

Press:		*Maximum price*
No. ¾	Plain	$330.00
No. 1	Plain	410.00
No. 1	Geared	640.00
No. 2	Plain	590.00
No. 2	Geared	740.00
No. 4	Plain	980.00
No. 4	Geared	1,200.00
No. 4½	Plain	1,080.00
No. 4½	Geared	1,270.00

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 14, 1944.

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2133; Filed, February 12, 1944; 4:37 p. m.]

[MPR 188, Amdt. 2 to Order 465]

READY MIXED PAINTS

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 2 to Order No. 465 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 465 is amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(a) The following classes of ready mixed paints are subject to this order:

(1) Flats including interior emulsion paints.

(2) Gloss and semi-gloss paints and interior trim enamels.

(3) Interior floor enamels and combination interior-exterior floor enamels, interior household enamel and combination interior-exterior enamels, machinery enamels.

(4) Wall primers and undercoats.

(5) Interior varnishes and combination interior-exterior varnishes.

(6) Exterior enamels and exterior varnishes (sold exclusively for exterior work).

(7) Emulsion paints for exterior purposes.

(8) Mill Whites for industrial maintenance (trade sales only).

(9) Exterior paints containing either natural resins or synthetic resins or both.

2. The word "with" in paragraph (b) (5) is corrected to read "within."

This amendment shall become effective February 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2134; Filed, February 12, 1944; 4:38 p. m.]

Regional and District Office Orders.

[Region I Order G–12 Under RMPR 122, Amdt. 2]

SOLID FUELS IN HAVERHILL, MASS., AREA

Amendment No. 2 to Order No. G–12 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Haverhill, Massachusetts, area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, Region I Order No. G–12 under Revised Maximum Price Regulation No. 122 is hereby amended by adding paragraph (n), to read as follows:

(n) *Price Schedule IV: One-half bushel bags of coke.* (1) Price Schedule IV sets forth maximum prices (in cents per bag) for sales of coke in paper bags containing one-half bushel each.

	Chestnut coke	Pea coke
	Cents	*Cents*
Sales to dealers and stores at bagger's yard	18.5	16.5
Sales to ultimate consumers at bagger's yard	20.5	18.5
Delivered to retail stores	21	19
Sales to ultimate consumers from dealer's truck	23.5	21.5
Sales at retail stores:		
Chain stores	24.5	22.5
Independent outlet	25.5	23.5

(2) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days, or net 10 days E. O. M.

(3) *Fractions of a cent.* The provisions of subparagraph (2) of paragraph (d) shall be applicable to the prices established by Price Schedule IV.

This Amendment No. 2 to Order No. G–12 shall become effective February 2, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 29th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2075; Filed, February 11, 1944; 11:45 a. m.]

[Region I Order G–22 Under RMPR 122, Amdt. 2]

SOLID FUELS IN WORCESTER, MASS., AREA

Amendment No. 2 to Order No. G–22 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Worcester, Massachusetts, area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered,* That the following subparagraph (13) is added to paragraph (g) of Region I Order G–22 under Revised Maximum Price Regulation No. 122.

(g) *Definitions.* When used in this Order G–22, the term:

* * * * *

(13) "Coke" shall include only coke produced by the following producers: New England Coke Co., or its affiliated producing company, at their plant located in Everett, Massachusetts. Providence Gas Company, Providence, Rhode Island. All other coke shall be priced under the appropriate provision of Revised Maximum Price Regulation No. 122.

This Amendment No. 2 to Order No. G–22 shall become effective February 2, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 27th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2074; Filed, February 11, 1944; 11:45 a. m.]

[Region I Order G–31 Under RMPR 122, Amdt. 1]

SOLID FUELS IN BRUNSWICK, MAINE, AREA

Amendment No. 1 to Order No. G–31 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Brunswick, Maine, area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered:*

1. Subparagraph (1) of paragraph (g) in Region I Order G–31 under Revised Maximum Price Regulation No. 122 is amended to read as follows:

(g) *Definitions.* When used in this Order G–31, the term:

(1) "Brunswick, Maine, Area" shall include the following cities and towns in the State of Maine: Bowdoin, Bowdoinham, Brunswick, Harpswell and Topsham.

* * * * *

This Amendment No. 1 to Order No. G–31 shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 27th day of January 1944.

ELDON C. SHOUP,
Acting Regional Administrator.

[F. R. Doc. 44–2073; Filed, February 11, 1944; 11:44 a. m.]

[Region I Order G–32 Under RMPR 122, Amdt. 1]

SOLID FUELS IN ROCKLAND, MAINE, AREA

Amendment No. 1 to Order No. G–32 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Rockland, Maine, Area.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered,* That paragraph (d) of Region I Order No. G–32 under Revised Maximum Price Regulation is amended to read as follows:

(d) *Terms of sale*—(a) *Entire area except Union.* If payment is made by the buyer within ten days after receipt of the fuel, the maximum prices established by paragraphs (b) and (c) shall be reduced by $1.00 per ton on sales of ambricoal, coke and broken, egg, stove, chestnut and pea sizes of Pennsylvania anthracite, and by 50 cents per ton on sales of buckwheat and rice sizes of Pennsylvania anthracite, which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of less than a ton or on sales of any quantity of Pennsylvania anthracite yard screenings. If payment is not required or made at the time of delivery or (except in the cases of Pennsylvania anthracite yard screenings and less than ton lots) within ten days thereafter, terms shall be net thirty days.

(b) *Union.* For deliveries in Union (both delivered and yard sales), terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E.O.M.

This amendment No. 1 shall become effective February 7, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 4th day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2072; Filed, February 11, 1944; 11:44 a. m.]

[Region I Order G–36 Under RMPR 122, Amdt. 1]

SOLID FUELS IN DOVER, N. H., AREA

Amendment No. 1 to Order No. G–36 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Dover-Exeter Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No.

122 and the Emergency Price Control Act of 1942, as amended, Region I Order No. G–36 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. The following prices for ambricoal are added to Price Schedule I in subparagraph (1) of paragraph (b):

Kind and size	Per net ton	Per ½ ton	Per ¼ ton	100 lbs.
*	*	*	*	*
Ambricoal	$15.30	$7.65	$4.00	$0.85

2. The following prices for ambricoal are added to Price Schedule II in subparagraph (1) of paragraph (c):

Kind and size	Per net ton	Per ½ ton	Per ¼ ton	100 lbs.
*	*	*	*	*
Ambricoal	$14.30	$7.15	$3.75	$0.80

3. Subparagraph (1) of paragraph (h) is amended to read as follows:

(h) *Definitions.* When used in this Order G–36, the term: (1) "Dover-Exeter Area" shall include the following cities and towns in the State of New Hampshire: Barnstead, Barrington, Brentwood, Deerfield, Dover, Durham, Epping, Epson, Exeter, Farmington, Fremont, Lee, Madbury, Middleton, Milton, New Durham, Newfields, Newmarket, Northwood, Nottingham, Pittsfield, Rochester, Rollinsford, Somersworth, Strafford, Stratham.

4. Subparagraph (10) is added to paragraph (h), to read as follows:

(h) *Definitions.* When used in this Order G–36, the term:

* * * * *

(10) "Ambricoal" means anthracite briquettes manufactured by American Briquet Company at its plant at Lykens, Pennsylvania, and marketed under that trade name.

This Amendment No. 1 to Order No. G–36 shall become effective February 4, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2071; Filed, February 11, 1944; 11:44 a. m.]

[Region I Order G–38 Under RMPR 122]

SOLID FUELS IN MILFORD AND HOPEDALE, MASS.

Order No. G–38 under Revised Maximum Price Regulation 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Milford and Hopedale, Massachusetts.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the towns of Milford and Hopedale, Massachusetts, by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth. Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services. The terms used herein are defined in paragraph (f).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–38. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G–38 provides uniform allowances, discounts, price differentials, service charges, and so forth.

Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the Commonwealth of Massachusetts or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth base maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in Milford and Hopedale.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$16.05	$8.30	$4.30	$0.90
Pea	14.00	7.25	3.75	.80
Buckwheat	12.40	6.45	3.35	.75
Rice	11.25	5.90	3.10	.70
Jeddo Highland:				
Egg, stove and chestnut	16.55	8.55	4.40	.90
Salem Hill:				
Egg	17.10	8.80	4.55	.95
Stove	17.35	8.95	4.60	.95
Coke:				
Egg, stove and chestnut	15.35	7.95	4.10	.85
Pea	14.35	7.45	3.85	.80

(2) *Discounts to certain classes of purchasers.* The foregoing per net ton prices shall be reduced by 50 cents per ton on all sales to religious institutions and to industrial and commercial users, including factories, retail stores, restaurants, and similar accounts.

(3) *Terms of sale.* If payment is made by the buyer on or before the 10th day of the month following the month in which the fuel was delivered, the maximum prices set forth above (including the per net ton prices as reduced by any discounts required by subparagraph (2) of this paragraph (b)) shall be reduced by $1.00 per ton, or by 50 cents per half-ton, or by 25 cents per quarter-ton, which reductions are "cash discounts". No further discounts are required for cash on delivery, and no "cash discount" is required on sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the case of less than quarter-ton lots) on or before the 10th day of the month following the month in which the fuel was delivered, terms shall be net 30 days E. O. M.

(4) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for any carry or wheel of quarter-ton and larger quantities from a "direct delivery" point to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheel exclusive of charges for carries up flights of stairs	*Cents* 50	*Cents* 25	*Cents* 15
For any carry up flights of stairs, per flight	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in Milford or Hopedale to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.[1]
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$15.05	$7.80	$4.05	$0.85
Pea	13.00	6.75	3.50	.75
Buckwheat	11.40	5.95	3.10	.70
Rice	10.25	5.40	2.85	.65
Jeddo Highland:				
Egg, stove and chestnut	15.55	8.05	4.15	.85
Salem Hill:				
Egg	16.10	8.30	4.30	.90
Stove	16.35	8.45	4.35	.90
Coke:				
Egg, stove and chestnut	14.35	7.45	3.85	.80
Pea	13.35	6.95	3.60	.75

[1] Prices are for 100 pounds bagged, but do not include the bag.

(2) *Discounts and terms of sale.* The provisions of subparagraphs (2) and (3) of paragraph (b) of this Order G–38 shall be applicable to the foregoing maximum prices for yard sales to consumers.

(3) *Maximum authorized bagging and deposit charges.* (a) If the buyer re-

quests such service of him, the seller may make the following charges for bagging tons, one-half tons, and one-quarter tons at the yard:

	Cents
Per ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the seller as a deposit on, or as pre-determined liquidated damages for failure to return, burlap bags furnished by the seller shall be 25 cents per bag.

(d) *Other named Pennsylvania anthracite.* The provisions of Region I Supplementary Order No. 2 under Revised Maximum Price Regulation No. 122 shall be applicable to named Pennsylvania anthracite coals other than the sizes of Jeddo Highland and Salem Hill which are specifically priced in this order.

(e) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier; *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton; *And provided further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(f) *Quality standards and applicability of prices for Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(g) *Definitions.* When used in Order G–38, the term:

(1) "Specified solid fuels" shall include all Pennsylvania anthracite and coke.

(2) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(3) "Jeddo Highland" means that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed by said company under the trade names "Jeddo Coal", "Highland Coal", or "Hazle Brook Coal".

(4) "Salem Hill" means that Pennsylvania anthracite which is produced by Haddock Mining Company at the Salem Hill Colliery, Schuylkill County, near Pottsville, Pennsylvania, and which meets the quality and preparation standards established by Order No. 2 under Maximum Price Regulation No. 112.

(5) "Broken", "egg", "stove", "chestnut" and "pea" sizes of Pennsylvania anthracite refer to the legal standard sizes for anthracite offered for sale in the Commonwealth of Massachusetts, effective December 1, 1941, as established by the Director of Standards of the Division of Standards of the Department of Labor and Industries of the Commonwealth of Massachusetts pursuant to General Laws (Ter. Ed.) Chapter 94, section 239A (Chapter 382, Acts of 1926). "Buckwheat" and "rice" sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(6) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(7) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's vehicle at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(8) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(9) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(10) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(h) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(i) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order C–38 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order C–38 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G–38 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor. This paragraph (i) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(j) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(k) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(l) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved

by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–38 shall become effective January 31, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-2044; Filed, February 11, 1944; 11:31 a. m.]

[Region I Order G–39 Under RMPR 122]

SOLID FUELS IN PROVIDENCE, R. I. AREA

Order No. G–39 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Providence, Rhode Island, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Providence, Rhode Island, Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefore shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this order G–39 is explained in paragraph (i) and the terms used herein are defined in paragraph (k).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–39. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G–39 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Rhode Island, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sale of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis at any point in the Providence, Rhode Island, Area:

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$17.00	$8.75	$4.65	$1.00
Pea	15.45	8.00	4.25	.95
Buckwheat	12.55	6.55	3.55	.80
Rice	11.20	5.85	3.20	.75
Class A yard screenings	5.25	------	------	------
Class B yard screenings	3.25	------	------	------
Coke:				
Egg, stove and chestnut	14.25	7.40	3.95	.85
No. 2 Chestnut	12.75	6.65	3.60	.80
Ambricoal	14.80	7.65	4.10	.90
Cannel coal	22.00	11.25	5.90	1.20

(2) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up flights of stairs	*Cents* 50	*Cents* 25	*Cents* 15
For any carry up flights of stairs, per flight	25	15	10

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25¢ per bag.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Providence, Rhode Island, Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$16.00	$8.00	$4.00	$0.85
Pea	14.45	7.25	3.65	.80
Buckwheat	11.55	5.80	2.90	.65
Rice	10.20	5.10	2.55	.60
Class A yard screenings	4.25	------	------	------
Class B yard screenings	2.50	------	------	------
Coke:				
Egg, stove and chestnut	13.25	6.65	3.35	.70
No. 2 chestnut	11.75	5.90	2.95	.65
Ambricoal	13.80	6.90	3.45	.75
Cannel coal	21.00	10.50	5.25	1.05

(2) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any deposit charges on bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Price Schedule III: Yard sales to unequipped dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Providence, Rhode Island, Area to unequipped dealers.

Kind and size	Per net ton	½ ton	¼ ton
Pennsylvania anthracite:			
Broken, egg, stove and chestnut	$13.75	$6.90	$3.45
Pea	12.20	6.10	3.05
Buckwheat	10.30	5.15	2.60
Rice	9.45	4.75	2.40
Class A yard screenings	4.25	------	------
Class B yard screenings	2.50	------	------
Coke:			
Egg, stove and chestnut	12.00	6.00	3.00
No. 2 chestnut	10.50	5.25	2.65
Ambricoal	11.55	5.80	2.90
Cannel coal	19.75	9.90	4.95

(2) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging, exclusive of any deposit charges on bags furnished by the seller:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the seller shall be 25 cents per bag.

(e) *Price Schedule IV: Yard sales to dealers other than unequipped dealers.* (1) Price Schedule IV sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Providence, Rhode Island, Area to dealers in fuels who resell them, except sales to unequipped dealers which are governed by Price Schedule III.

Kind and size	Per net ton	½ ton	¼ ton
Pennsylvania anthracite:			
Broken, egg, stove and chestnut	$13.00	$6.50	$3.25
Pea	11.45	5.75	2.90
Buckwheat	9.55	4.80	2.40
Rice	8.70	4.35	2.20
Class A yard screenings	4.25	------	------
Class B yard screenings	2.50	------	------
Coke:			
Egg, stove and chestnut	11.25	5.65	2.85
No. 2 chestnut	9.75	4.90	2.45
Ambricoal	10.80	5.40	2.70
Cannel coal	19.00	9.50	4.75

(f) *Named Pennsylvania anthracites.* The provisions of Region I Supplementary Order No. 2 under Revised Maximum Price Regulation No. 122 shall be applicable to named Pennsylvania anthracite coals as defined therein except that the additions for rice size of Jeddo Highland shall be 25 cents per ton, 15 cents per half-ton and 5 cents per quarter-ton.

(g) *Terms of sale*—(1) *Price Schedules I and II.* Terms of sale applicable to the prices set forth in Price Schedules I and II in paragraphs (b) and (c), including the prices for premium anthracite arrived at by adding the premiums provided in paragraph (f) to the prices set forth in Price Schedules I and II, shall be as follows:

(a) For broken, egg, stove, chestnut and pea sizes of Pennsylvania anthracite, and ambricoal, the maximum prices shall, if payment is made by the buyer within 10 days after receipt of the fuel, be reduced by $1.00 per ton, or by 50 cents per half-ton, or by 25 cents per quarter-ton, which reductions are "cash discounts".

(b) For buckwheat and rice sizes of Pennsylvania anthracite, the maximum prices shall, if payment is made by the buyer within 10 days after receipt of the fuel, be reduced by 50 cents per ton, or by 25 cents per half-ton, or by 10 cents per quarter-ton, which reductions are "cash discounts".

(c) No further discounts than those provided by the foregoing subparagraphs are required for cash on delivery. If payment is not required or made at the time of delivery or within 10 days thereafter, terms shall be net 30 days.

(d) For Class A yard screenings, Class B yard screenings, coke, cannel coal and all sales of less than a quarter-ton, terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(2) *Price Schedules III and IV.* Terms of sale applicable to the prices set forth in Price Schedules III and IV in paragraphs (d) and (e), including the prices for premium anthracite arrived at by adding the premiums provided in paragraph (f) to the prices set forth in Price Schedules III and IV, may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(h) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier; *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton: *And provided, further,* That the dealer need not state said tax separately on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(i) *Geographical applicability.* The maximum prices established by this Order G–39 for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Providence, Rhode Island, Area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Providence, Rhode Island, Area, regardless of whether the dealer is located within said area.

(j) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request. The price will be established either by an amendment of this order or by a letter to the applicant.

(k) *Definitions.* When used in this Order G–39, the terms:

(1) "Providence, Rhode Island, Area" shall include the entire State of Rhode Island except for the cities and towns of Burrillville, Glocester, Little Compton, North Smithfield, Portsmouth, Tiverton and Woonsocket, and those portions of Cumberland and Lincoln which lie north of Albion and Angell Roads.

(2) "Specified solid fuels" shall include Pennsylvania anthracite, ambricoal, cannel coal and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken", "egg", "stove", "chestnut", etc., sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee effective December 15, 1941.

(5) "Class A yard screenings" means yard screenings of Pennsylvania anthracite which have not been so rescreened as to remove any rice size anthracite therefrom.

(6) "Class B yard screenings" means yard screenings of Pennsylvania anthracite from which rice and larger sizes have been removed by rescreening.

(7) "Coke" shall include only coke produced by the following producers: Providence Gas Company; Fall River Gas Company; Taunton Gas Light Company; Blackstone Valley Gas and Electric Company. All other coke shall be priced under the appropriate provision of Revised Maximum Price Regulation #122.

(8) "Ambricoal" means anthracite briquettes manufactured by American Briquet Company at its plant at Lykens, Pennsylvania, and marketed under that trade name.

(9) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(10) "Unequipped dealer" means a seller who is engaged in the business of purchasing solid fuels for resale, and delivers the solid fuel resold by him to consumers from his supplier's place of business, without storing the same except in a truck or wagon, and who has no facilities customarily used for storing solid fuel other than a truck or wagon.

(11) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(12) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(13) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(14) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(l) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(m) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G–39 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G–39 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All posting shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G–39 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quan-

tity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and deposit charges made and the amount charged therefore. This paragraph (m) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(n) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(o) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(p) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–39 shall become effective January 31, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2034; Filed, February 11, 1944; 11:30 a. m.]

[Region I Order G–40 Under RMPR 122]

SOLID FUELS IN RUTLAND, VT., AREA

Order No. G–40 under Revised Maximum Price Regulation 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Rutland, Vermont, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Rutland, Vermont, Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth. Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services. The geographical applicability of this order G–40 is explained in paragraph (g) and the terms used herein are defined in paragraph (i).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–40. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G–40 provides uniform allowances, discounts, price differentials, service charges, and so forth.

Nothing contained in this order shall be so construed as to permit noncompliance with any statutes of the State of Vermont of any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth base maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Rutland, Vermont, Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$16.00	$8.25	$4.65	$0.95
Pea	14.70	7.60	4.30	.90
Buckwheat	12.35	6.45	3.75	.75
Rice	11.25	5.90	3.45	.70
Yard screenings	4.00	------	------	------
New England coke:				
Egg, stove and chestnut	15.80	8.15	4.60	.95

(2) *Additions for specified deliveries.* For deliveries to consumers whose bins or storage facilities are located more than five (5) but not more than ten (10) miles from the dealer's yard, the dealer may add fifty cents per ton to the foregoing prices, and for deliveries to consumers whose bins or storage facilities are located more than ten (10) miles from the dealer's yard, the dealer may add one dollar per ton.

(3) *Discounts to certain classes of purchasers.* The foregoing per net ton prices shall be reduced by the following amounts on sales to consumers in the following classifications (figures refer to the consumer's annual requirements, in net tons):

Number of tons:	*Discount per ton*
More than 20 but not more than 30	$0.50
More than 30 but not more than 75	.75
More than 75	1.00

(4) *Terms of sale.* If payment is made by the buyer within ten days after receipt of the fuel, the maximum prices set forth above (including the per net ton prices as reduced by any discounts required by subparagraph (3) of this paragraph (b)) shall (except in the case of Pennsylvania anthracite yard screenings) be reduced by $1.00 per ton, or by 50 cents per half-ton, or by 25 cents per quarter-ton, which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of less than a quarter-ton or on sales of any quantity of yard screenings. If payment is not required or made at the time of delivery or (except in the case of less than quarter-ton lots and the case of yard screenings) within ten days thereafter, terms shall be net 30 days.

(5) *Maximum authorized service and deposit charges.* (a) the maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for any carry or wheel of quarter-ton and large quantities from a "direct delivery" point to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheel exclusive of charges for carries up flights of stairs	*Cents* 50	*Cents* 25	*Cents* 15
For any carry up flights of stairs, per flight	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as pre-determined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II; Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Rutland, Vermont, Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.	50 lbs.
Pennsylvania anthracite:					
Broken, egg, stove and chestnut	$15.25	$7.90	$4.20	$0.85	$0.45
Pea	13.95	7.25	3.90	.80	.45
Buckwheat	11.60	6.05	3.30	.65	.35
Rice	10.50	5.50	3.00	.60	.35
Yard screenings	3.00	------	------	------	------
New England coke:					
Egg, stove and chestnut	15.05	7.80	4.15	.85	.45

(2) *Discounts and terms of sale.* The provisions of subparagraphs (3) and (4) of paragraph (b) of this Order G–40 shall be applicable to the foregoing maximum prices for yard sales to consumers.

(3) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 50 pounds are for 50 pound lots bagged in paper bags, including the bags. The maximum prices per 100 pounds are

for 100 pounds bagged, exclusive of deposit charges for bags furnished by the dealer. If the buyer requests such service of him, the dealer may make the following charges for bagging quarter-ton or larger quantities in 100 pound bags, exclusive of deposit charges for bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Price Schedule III: Yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Rutland, Vermont, Area to dealers in fuels who resell them.

Kind and size	Per net ton	½ ton	¼ ton
Pennsylvania anthracite:			
Broken, egg, stove and chestnut	$13.00	$6.50	$3.25
Pea	11.70	5.85	2.95
Buckwheat	9.35	4.70	2.35
Rice	8.25	4.15	2.10
Yard screenings	3.00	------	------
New England coke:			
Egg, stove and chestnut	12.80	6.40	3.20

(2) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(3) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging quarter-ton and larger quantities in 100 pound bags:

	Cents
Per ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the seller as a deposit on, or as pre-determined liquidated damages for failure to return, burlap bags furnished by the seller shall be 25 cents per bag.

(e) *Named Pennsylvania anthracites.* The provisions of Region I Supplementary Order No. 2 under Revised Maximum Price Regulation No. 122 shall be applicable to named Pennsylvania anthracite coals as defined therein, except that the additions for egg, stove and chestnut sizes of Jeddo Highland shall be 50 cents per ton, 25 cents per half-ton, 10 cents per quarter-ton and 5 cents per 100 pounds.

(f) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier; *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton; *And provided, further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof,

(g) *Geographical applicability.* The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Rutland, Vermont, Area regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Rutland, Vermont, Area regardless of whether the dealer is located within said area.

(h) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(i) *Definitions.* When used in Order G–40, the term:

(1) "Rutland, Vermont, Area" shall include the following cities, towns and townships in the State of Vermont: Benson, Clarendon, Castleton, Fair Haven, Hubbardton, Ira, Middletown, Pittsford, Poultney, Proctor, Rutland, West Haven and West Rutland.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite and New England coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken", "egg", "stove", "chestnut", etc., sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Jeddo Highland" means that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed by said company under the trade names of "Jeddo Coal", "Highland Coal", or "Hazle Brook Coal".

(6) "New England coke" means coke produced by the New England Coke Co. or its affiliated producing company at their plant in Everett, Massachusetts.

(7) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(8) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's vehicle at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(9) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(10) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(11) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(j) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(k) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G–40 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G–40 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All postings shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G–40 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the

dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor. This paragraph (k) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(l) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(m) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(n) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–40 shall become effective January 31, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc 44–2035; Filed February 11, 1944; 11:30 a. m.]

[Region I Order G–42 Under RMPR 122]

SOLID FUELS IN BENNINGTON, VT. AREA

Order No. G–42 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Bennington, Vermont, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Bennington, Vermont, Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G–42 is explained in paragraph (h) and the terms used herein are defined in paragraph (i).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–42. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G–42 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Vermont, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth base maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Bennington, Vermont, Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$16.20	$8.60	$4.55	$0.95
Pea	14.25	7.65	4.10	.85
Buckwheat	12.60	6.80	3.65	.75
Rice	11.60	6.30	3.40	.70
Yard screenings	3.50	------	------	------
Coke:				
Egg, stove and chestnut	14.80	7.90	4.25	.85
Cannel coal	21.00	11.00	5.75	1.15

(2) *Prices for specified localities.* (a) The foregoing base prices in Price Schedule I shall apply to deliveries to consumers whose bins or storage facilities are located in Bennington and Pownal.

(b) The following amounts may be added to the foregoing base prices in Price Schedule I for deliveries to consumers whose bins or storage facilities are located in the following places in the Bennington, Vermont, Area:

	Per net ton	½ ton	¼ ton
Glastenbury, Shaftsbury and Woodford	$1.00	$0.50	$0.25

(3) *Maximum authorized service charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following service charges:

	Per net ton	Per ½ ton	Per ¼ ton
Single carry (50 feet or less)	$0.50	$0.25	$0.15
Double carry (over 50 feet)	.50	.25	.15
Trimming in bin	.50	.25	.15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be charged by the dealer for bags furnished by him shall be 25 cents ber bag.

(c) *Price Schedule II: Yard sales.* (a) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Bennington, Vermont, Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove, and chestnut	$15.45	$7.75	$3.90	$0.85
Pea	13.50	6.75	3.40	.75
Buckwheat	11.85	5.95	3.00	.65
Rice	10.85	5.45	2.75	.60
Yard screenings	3.00	------	------	------
Coke:				
Egg, stove and chestnut	14.05	7.05	3.55	.75
Cannel coal	20.25	10.15	5.10	1.05

(2) *Maximum authorized bagging charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the seller may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any charges for bags furnished by the seller:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be charged by the dealer for burlap bags furnished by him shall be 25 cents per bag.

(d) *Terms of sale.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth above shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by $1.00 per ton, or by 50 cents per half-ton, or by 25 cents per quarter-ton, which reductions are "cash discounts." No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsyl-

vania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than quarter-ton lots) within 10 days thereafter, terms shall be net 30 days.

(e) *Named Pennsylvania anthracites.* The provisions of Region I Supplementary Order No. 2 under Revised Maximum Price Regulation No. 122 shall be applicable to named Pennsylvania anthracite coals as defined therein except that the additions for rice size of Jeddo Highland shall be 25 cents per ton, 15 cents per half-ton and 5 cents per quarter-ton.

(f) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this Order or by a letter to the applicant.

(g) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier; *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton; *And provided further,* That the dealer need not state said tax separately on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(h) *Geographical applicability.* The maximum prices established by this Order G–42 for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Bennington, Vermont, Area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Bennington, Vermont, Area, regardless of whether the dealer is located within said area.

(i) *Definitions.* When used in this Order G–42, the term:

(1) "Bennington, Vermont, Area" shall include the following cities, towns, and townships in the State of Vermont: Bennington, Glastenbury, Pownal, Shaftsbury and Woodford.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite, coke and cannel coal.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken", "egg", "stove", "chestnut", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(6) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space, but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(7) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(8) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(9) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(j) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(k) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G–42 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G–42 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All postings shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G–42 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and deposit charges made and the amount charged therefor. This paragraph (k) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size, and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(l) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(m) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(n) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–42 shall become effective February 3, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong. E.A. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 27th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2070; Filed, February 11, 1944; 11:44 a. m.]

[Region I Order G–43 Under RMPR 122]

SOLID FUELS IN MANCHESTER, VT., AREA

Order No. G–43 under Revised Maximum Price Regulation No. 122. Solid

fuels sold and delivered by dealers. Specified solid fuels; Manchester, Vermont, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Manchester, Vermont, Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this order G–43 is explained in paragraph (g) and the terms used herein are defined in paragraph (h).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–43. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G–43 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Vermont or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth base maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Manchester, Vermont, Area.

DELIVERED CHARGE

	1 ton	½ ton	¼ ton	100 lbs
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$16.30	$8.65	$4.60	$0.95
Pea	15.00	8.00	4.25	.85
Buckwheat	12.90	6.95	3.75	.75
Rice	11.80	6.40	3.45	.70
Yard screenings	3.50	------	------	------
Coke:				
Egg, stove and chestnut	14.80	7.90	4.20	.85

(2) *Prices for specified localities.* (a) The foregoing base prices in Price Schedule I shall apply to deliveries to buyers whose bins or storage facilities are located in Arlington, Dorset, Manchester, and Sunderland.

(b) The following amounts may be added to the foregoing base prices in Price Schedule I for deliveries to buyers whose bins or storage facilities are located in the following places:

	Per net ton	Per ½ ton	Per ¼ ton
Peru and Sandgate	$0.50	$0.25	$0.15
Landgrove, Londonderry and Winhall	1.00	.50	.25

(3) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point	*Cents* 50	*Cents* 25	*Cents* 15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be charged by the dealer for bags furnished by him shall be 25 cents per bag.

(c) *Price Schedule II: Yard sales.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Manchester, Vermont, Area.

	1 ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$15.55	$7.80	$3.90	$0.85
Pea	14.25	7.15	3.60	.75
Buckwheat	12.15	6.10	3.05	.65
Rice	11.05	5.55	2.80	.60
Yard screenings	3.00	------	------	------
Coke:				
Egg, stove and chestnut	14.05	7.05	3.55	.75

(2) *Maximum authorized bagging charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any charges for bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be charged by the dealer for burlap bags furnished by him shall be 25 cents per bag.

(d) *Terms of sale.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth above shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by $1.00 per ton, or by 50 cents per half-ton, or by 25 cents per quarter-ton, which reductions are "cash discounts." No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than quarter-ton lots) within 10 days thereafter, terms shall be net 30 days.

(e) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(f) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one quarter ton; *And provided, further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(g) *Geographical applicability.* The maximum prices established by this Order G–43 for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Manchester, Vermont, area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales

on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Manchester, Vermont, Area, regardless of whether the dealer is located within said area.

(h) *Definitions.* When used in this Order G–43, the term:

(1) "Manchester, Vermont, Area" shall include the following cities, towns and townships in the State of Vermont: Arlington, Dorset, Landgrove, Londonderry, Manchester, Peru, Sandgate, Sunderland and Winhall.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken," "egg," "stove," "chestnut," etc., sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(6) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(7) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(8) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(9) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(i) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(j) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G–43 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G–43 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All posting shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G–43 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and deposit charges made and the amount charged therefor. This paragraph (j) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(l) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Reguluation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(m) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–43 shall become effective February 5, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250; 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 29th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2069; Filed, February 11, 1944; 11:43 a. m.]

[Region I Order G–44 Under RMPR 122]

SOLID FUELS IN DANBURY, CONN., AREA

Order No. G–44 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Danbury, Connecticut, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Danbury, Connecticut, Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G–44 is explained in paragraph (h) and the terms used herein are defined in paragraph (f).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–44. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G–44 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit noncompliance with any statutes of the State of Connecticut, or any rules or regulations promulgated under any such statutes, concerning sales of deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Danbury, Connecticut, Area.

Kind and size	Per net ton	Per ½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$15.20	$7.85	$3.95	$1.00
Pea	13.20	6.85	3.45	.90
Buckwheat	11.55	6.05	3.05	.80
Rice	10.95	5.75	2.90	.75
Yard screenings	3.50	------	------	------
Franklin:				
Egg, stove and chestnut	16.20	8.35	4.20	1.00
Coke—egg, stove and chestnut:				
Koppers	14.50	7.50	3.80	.90
Danbury	12.00	6.25	3.15	.80

(2) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service

of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
	Cents	*Cents*	*Cents*
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs	50	25	15
For any carry up or down flights of stairs, per flight	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags or canvas carrying baskets furnished by the dealer be left in the containers, the maximum amounts which may be required by the dealer as deposits on, or as predetermined liquidated damages for failure to return, the containers shall be 25¢ per burlap bag and $1.50 per canvas carrying basket.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Danbury, Connecticut, Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$14.20	$7.35	$3.70	$0.75
Pea	12.20	6.35	3.20	.65
Buckwheat	10.55	5.55	2.80	.60
Rice	9.95	5.25	2.65	.55
Yard screenings	2.50	------	------	------
Franklin—egg, stove and chestnut	15.20	7.85	3.95	.80
Koppers coke—egg, stove and chestnut	13.50	7.00	3.50	.70

(2) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any charges for or deposit charges on bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amounts which may be required by the dealer as deposits on, or as predetermined liquidated damages for failure to return, burlap bags or canvas carrying baskets furnished by the dealer shall be 25 cents per burlap bag and $1.50 per canvas carrying basket.

(d) *Terms of sale; sales to consumers.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth in paragraphs (b) and (c) shall, except in the case of Pennsylvania anthracite yard screening, be reduced by 50 cents per ton, or by 25 cents per half-ton, or by 10 cents per quarter-ton, which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of any quantity of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the cases of yarn screenings and less than quarter-ton lots) within 10 days thereafter, terms shall be net 30 days.

(e) *Price Schedule III: Yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of sold fuels delivered at the yard of any dealer in the Danbury, Connecticut, Area to dealers in fuels who resell them.

Kind and size	Per net ton	Per ½ ton	Per ¼ ton
Pennsylvania anthracite:			
Broken, egg, stove and chestnut	$12.70	$6.35	$3.20
Pea	10.70	5.35	2.70
Buckwheat	9.05	4.55	2.30
Rice	8.45	4.25	2.15
Yard screenings	2.50	------	------
Franklin: Egg, stove and chestnut	13.70	6.85	3.45
Koppers coke: Egg, stove and chestnut	12.00	6.00	3.00

(2) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging quarter-ton and larger quantities in 100-pound bags:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amounts which may be required by the seller as deposits on, or as predetermined liquidated damages for failure to return, burlap bags or canvas carrying baskets furnished by the seller shall be 25 cents per burlap bag and $1.50 per canvas carrying basket.

(3) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(f) *Definitions.* When used in this Order G–44, the term:

(1) "Danbury, Connecticut, Area" shall include the following cities, towns, and townships in the State of Connecticut: Bethel, Bridgewater, Brookfield, Danbury, New Fairfield, New Milford, Newton, Redding, Ridgefield, and Sherman.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite, and Koppers and Danbury coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Franklin" means that Pennsylvania anthracite which is prepared at the Williamstown breaker of the Franklin-Lykens Coal Company, Ashland, Pennsylvania, and marketed under the trade name "The Only Genuine Franklin Coal of Lykens Valley."

(5) "Broken", "egg", "stove", "chestnut", etc., sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(6) "Koppers coke" means the by-product coke produced by the Koppers Coke Company at its plant in New Haven, Connecticut.

(7) "Danbury coke" means the retort gas coke produced by the Danbury Gas Company, Danbury, Connecticut.

(8) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(9) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the terms means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(10) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(11) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(12) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(g) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton: *And provided further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(h) *Geographical applicability.* The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the area covered by this order, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the area covered by this order, regardless of whether the dealer is located within said area.

(i) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and

rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(j) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(k) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this order shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this order available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All postings shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall give to each purchaser an invoice or similar document showning (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor. This paragraph shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(l) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known) the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(m) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(n) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order No. G–44 shall become effective February 7, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2068; Filed, February 11, 1944; 11:43 a. m.]

[Region I Order G–45 Under RMPR 122]

SOLID FUELS IN WHITE RIVER JUNCTION AREA

Order No. G–45 under Revised Maximum Price Regulation No. 122. Solid fules sold and delivered by dealers. Specified solid fuels; White River Junction Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional utes, concerning sales or deliveries of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265. of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the White River Junction Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefore shall be the prices hereinafter set forth.

Maximum Prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G–45 is explained in paragraph (i) and the terms used herein are defined in paragraph (f).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–45. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G–45 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the States of Vermont and New Hampshire, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the White River Junction Area.

Kind and size	Per net ton	Per ½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$17.25	$9.15	$4.85	$1.00
Pea	15.95	8.50	4.50	.95
Buckwheat	13.30	7.15	3.85	.80
Rice	12.10	6.55	3.55	.75
Yard screenings	4.00	------	------	------
Jeddo Highland or Greenwood:				
Egg, stove and chestnut	17.50	9.25	4.90	1.05
Silver Brook: Egg, stove and chestnut	17.55	9.30	4.90	1.05
Coke: Egg, stove and chestnut	17.00	9.00	4.75	.95
Ambricoal	15.30	8.15	4.35	.90

(2) *Additions for specified deliveries.* For deliveries to consumers whose bins or storage facilities are located more than five (5) miles from the dealer's yard, the dealer may add one dollar ($1.00) per ton to the foregoing prices.

(3) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs	*Cents* 50	*Cents* 25	*Cents* 15
For any carry up or down flights of stairs, per flight	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a desposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25¢ per bag.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the White River Junction Area to consumers.

Kind and size	Per net ton	Per ½ ton	Per ¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$16.25	$8.65	$4.60	$0.90
Pea	14.95	8.00	4.25	.85
Buckwheat	12.30	6.65	3.60	.70
Rice	11.10	6.05	3.30	.65
Yard screenings	3.00	------	------	------
Jeddo Highland or Greenwood:				
Egg, stove and chestnut	16.50	.75	4.65	.95
Silver Brook:				
Egg, stove and chestnut	16.55	8.80	4.65	.95
Coke:				
Egg, stove and chestnut	16.00	8.50	4.50	.90
Ambricoal	14.30	7.65	4.10	.80

(2) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the oag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any charges for or deposit charges on bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Terms of sale; sales to consumers.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth in paragraphs (b) and (c) shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by $1.00 per ton, or by 50 cents per half-ton, or by 25 cents per quarter-ton, which reductions are "cash discounts." No further discount is required for cash on delivery, and no "cash discount" is required on sales of any quantity of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than quarter-ton lots) within 10 days thereafter, terms shall be net 30 days.

(e) *Price Schedule III: Yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the White River Junction Area to dealers in fuels who resell them.

Kind and size	Per net ton	Per ½ ton	Per ¼ ton
Pennsylvania anthracite:			
Broken, egg, stove, and chestnut	$14.25	$7.15	$3.60
Pea	12.95	6.50	3.25
Buckwheat	10.30	5.15	2.60
Rice	9.10	4.55	2.30
Yard screenings	3.00	------	------
Jeddo Highland or Greenwood:			
Egg, stove, and chestnut	14.50	7.25	3.65
Silver Brook: Egg, stove, and chestnut	14.55	7.30	3.65
Coke: Egg, stove, and chestnut	14.00	7.00	3.50
Ambricoal	12.30	6.15	3.10

(2) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging quarter-ton and larger quantities in 100-pound bags:

	Cents
Per ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the seller shall be 25 cents per bag.

(3) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(f) *Definitions.* When used in this Order G-45, the term:

(1) "White River Junction Area" shall include the following cities, towns, and townships in the States of New Hampshire and Vermont:

In New Hampshire: Canaan, Enfield, Grantham, Hanover, Lebanon, Lyme, and Plainfield.

In Vermont; Hartford, Hartland, Pomfret, West Windsor, Windsor, and Woodstock.

(2) "Specified Solid Fuels" shall include all Pennsylvania anthracite, ambricoal and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Jeddo Highland" means that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed by said company under the trade names "Jeddo Coal," "Highland Coal," or "Hazle Brook Coal."

(5) "Greenwood" means that Pennsylvania anthracite which is produced by Lehigh Navigation Coal Company, Philadelphia, Pennsylvania, and marketed under trade name "Old Company's Lehigh Greenwood Premium Anthracite."

(6) "Silver Brook" means that Pennsylvania anthracite which is prepared by Haddock Mining Company, Wilkes-Barre, Pennsylvania, at its Beaver Meadow Breaker from coal produced at the Deringer Colliery and the Tomhicken Colliery and marketed under the trade name "Silver Brook Coal," and which meets the quality and preparation standards established by Order No. 3 under Maximum Price Regulation No. 112.

(7) "Broken", "egg", "stove", "chestnut", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(8) "Ambricoal" means anthracite briquettes manufactured by American Briquet Company at its plant at Lykens, Pennsylvania, and marketed under that trade name.

(9) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(10) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(11) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(12) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(13) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 to 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(g) *Temporary price increase; Pennsylvania anthracite.* The provisions of Region I Supplementary Order No. 4 under Revised Maximum Price Regulation No. 122 shall apply to the specific prices for Pennsylvania anthracite contained in this order, as long as said Supplementary Order No. 4 remains in effect.

(h) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton: *And provided, further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(i) *Geographical applicability.* The maximum prices established by this

order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the area covered by this order, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the area covered by this order, regardless of whether the dealer is located within said area.

(j) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(k) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(l) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this order shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this order available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All postings shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor. This paragraph shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(m) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(n) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(o) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-45 shall become effective February 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-2067; Filed, February 11, 1944; 11:43 a. m.]

[Region I Order G-47 Under RMPR 122]

SOLID FUELS IN NEW HAVEN, CONN., AREA

Order No. C-47 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; New Haven, Connecticut, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the New Haven, Connecticut, Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this order G-47 is explained in paragraph (i) and the terms used herein are defined in paragraph (g).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-47. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-47 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Connecticut, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sale of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis at any point in the New Haven, Connecticut, Area.

Kind and size	Per net ton	½ ton	¼ ton	125 lbs.	100 lbs.
Pennsylvania anthracite:					
Broken, egg, stove, and chestnut	$16.00	$8.40	$4.70	$1.25	$1.00
Pea	14.20	7.50	4.25	1.20	.95
Buckwheat	11.55	6.20	3.60	1.05	.80
Rice	10.45	5.65	3.30	1.00	.75
Yard screenings	4.25	------	------	------	------
Jeddo Highland or Silver Brook:					
Egg, stove, and chestnut	16.50	8.65	4.85	1.25	1.00
Pea	14.70	7.75	4.40	1.20	.95
Buckwheat	12.05	6.45	3.70	1.05	.80
Koppers coke:					
Egg, stove, and chestnut	14.50	7.65	4.35	1.20	.95

(2) *Maximum authorized service and deposit charges.* (a) The maximum prices per 125 and 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs	*Cents* 50	*Cents* 25	*Cents* 15
For any carry up or down flights of stairs, per flight	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the New Haven, Connecticut, Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	125 lbs.	100 lbs.
Pennsylvania anthracite:					
Broken, egg, stove, and chestnut	$15.00	$7.50	$3.75	$1.00	$0.75
Pea	13.20	6.60	3.30	.95	.70
Buckwheat	10.55	5.30	2.65	.80	.55
Rice	9.45	4.75	2.40	.75	.50
Yard screenings	3.25	------	------	------	------
Jeddo Highland or Silver Brook:					
Egg, stove, and chestnut	15.50	7.75	3.90	1.05	.80
Pea	13.70	6.85	3.45	1.00	.75
Buckwheat	11.05	5.55	2.80	.85	.60
Koppers coke:					
Egg, stove, and chestnut	13.50	6.75	3.40	.95	.70

(2) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 and 125 pounds are for 100 or 125 pounds bagged, exclusive of deposit charges on bags furnished by the dealer. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of deposit charges on bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Terms of sale; sales to consumers.* If payment is made by the buyer within 15 days after receipt of the fuel, the maximum prices set forth in paragraphs (b) and (c) above shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by 50 cents per ton, or by 25 cents per half-ton, or by 10 cents per quarter ton, which reductions are "cash discounts." No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the case of yard screenings and less than quarter-ton lots) within 15 days thereafter, terms shall be net 30 days.

(e) *Price Schedule III: Yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the New Haven, Connecticut, Area to dealers in fuels who resell them.

Kinds and size	Per net ton	½ ton	¼ ton
Pennsylvania anthracite:			
Broken, stove, egg and chestnut	$13.50	$6.75	$3.40
Pea	11.70	5.85	2.95
Buckwheat	9.05	4.55	2.30
Rice	7.95	4.00	2.00
Yard screenings	3.25	------	------
Jeddo Highland or Silver Brook:			
Egg, stove and chestnut	14.00	7.00	3.50
Pea	12.20	6.10	3.05
Buckwheat	9.55	4.80	2.40
Koppers coke:			
Egg, stove and chestnut	12.00	6.00	3.00

(2) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days e. o. m.

(3) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging, exclusive of any deposit charges on bags furnished by the seller:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the seller shall be 25 cents per bag.

(f) *Temporary price increase; Pennsylvania anthracite.* The provisions of the Region I Supplementary Order No. 4 under Revised Maximum Price Regulation No. 122 shall apply to the prices for Pennsylvania Anthracite contained in this order, as long as said Supplementary Order No. 4 remains in effect.

(g) *Definitions.* When used in this order G–47, the term:

(1) "Hartford, Connecticut, Area" shall include the following cities and towns in the State of Connecticut: Ansonia, Branford, Derby, East Haven, Hamden, New Haven, North Branford, North Haven, Orange, Oxford, Seymour, Shelton, West Haven and Woodbridge.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite, and Koppers Coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Jeddo Highland" means that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed by said company under the trade names "Jeddo Coal", "Highland Coal", or "Hazle Brook Coal".

(5) "Silver Brook" means that Pennsylvania anthracite which is prepared by Haddock Mining Company, Wilkes-Barre, Pennsylvania, at its Beaver Meadow Breaker from coal produced at the Deringer Colliery and the Tomhicken Colliery and marketed under the trade name "Silver Brook Coal", and which meets the quality and preparation standards established by Order No. 3 under Maximum Price Regulation No. 112.

(6) "Broken", "egg", "stove", "chestnut", etc., sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(7) "Koppers coke" means the by-product coke produced by the Koppers Coke Company at its plant in New Haven, Connecticut.

(8) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(9) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(10) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(11) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(12) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(h) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton: *And provided, further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(i) *Geographical applicability.* The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the area covered by this order,

regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the area covered by this order, regardless of whether the dealer is located within said area.

(j) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(k) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(l) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this order shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this order available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All postings shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor. This paragraph shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(m) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(n) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(o) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–47 shall become effective February 10, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 4th day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2063; Filed, February 11, 1944; 11:41 a. m.]

[Region I Order G–1 Under MPR 251]

PAINTERS AND DECORATORS IN NORTHAMPTON MASS, AREA

Order No. G–1 under Maximum Price Regulation 251. Construction and maintenance services and sales of building and industrial equipment and materials on an installed or erected basis.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1397.68 (b) of Maximum Price Regulation No. 251, *It is hereby ordered:*

(a) Any seller making sales or supplying painting and decorating services which are subject to Maximum Price Regulation No. 251, may increase his maximum price under the regulation for such sales and services by an amount not in excess of the difference between his labor costs computed on the basis of hourly rates in effect on July 1, 1942, and the hourly rate of $1.25 established for painters and decorators by the National War Labor Board in WLB Case No. 14141, when the following conditions have been met:

(1) The seller performs the work described above within the Northampton, Massachusetts, Area;

(2) The seller employs members of the Painters Union Local No. 646 of Northampton, Massachusetts; and

(3) The seller actually pays the hourly rate specified above.

(b) Any person determining maximum prices subject to this order shall submit such reports as the Office of Price Administration from time to time may require.

(c) This Order No. G–1 may be revoked or amended at any time.

(d) This Order No. G–1 shall become effective February 8th, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of February 1944.

KENNETH B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2038; Filed, February 11, 1944; 11:27 a. m.]

[Region I Order G–2 Under MPR 251]

PLUMBERS, STEAMFITTERS AND SHEET METAL WORKERS IN HAVERHILL, MASS., AREA

Order No. G–2 under Maximum Price Regulation 251. Construction and maintenance services and sales of building and industrial equipment and materials on an installed or erected basis.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1397.68 (b) of Maximum Price Regulation No. 251, *It is hereby ordered:*

(a) Any seller making sales or supplying services for plumbing, steam fitting, or sheet metal work which are subject to Maximum Price Regulation No. 251 may increase his maximum price under the regulation for such sales and services by an amount not in excess of the difference between his labor cost computed on the basis of hourly rates in effect on July 1, 1942, and labor cost computed on the basis of the hourly rate of $1.25 established for journeymen plumbers, steam fitters and sheet metal workers by the National War Labor Board in WLB Case No. 1–6456, when the following conditions have been met:

(1) The seller performs the work, described above, within the Haverhill, Massachusetts, Area;

(2) The seller employs members of the United Association of Plumbers and Steam Fitters, Local Union No. 486 of Haverhill, Massachusetts; and

(3) The seller actually pays the hourly rate specified above.

(b) Any person determining maximum prices subject to this order shall submit such reports as the Office of Price Administration from time to time may require.

(c) This Order No. G–2 may be revoked or amended at any time.

(d) This Order No. G–2 shall become effective February 8th, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of February 1944.

KENNETH B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2039; Filed, February 11, 1944; 11:28 a. m.]

[Region II Rev. Order G-17 Under RMPR 122]

PENNSYLVANIA ANTHRACITE IN MERCER CO., N. J.

Revised Order No. G-17 under § 1340.-260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Pennsylvania anthracite delivered by dealers in Mercer County, State of New Jersey; Coal Area VIII.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is ordered:

(a) *What this order does—(1) Dealers' maximum prices; area covered.* If you are a dealer in "Pennsylvania anthracite", this order fixes the maximum prices which you may charge, and if you are a purchaser in the course of trade or business, this order fixes the maximum prices which you may pay, for certain sizes and quantities of "Pennsylvania anthracite" (hereinafter called simply "anthracite") delivered to or at any point in State of New Jersey, Coal Area VIII. Coal Area VIII comprises all of Mercer County in the State of New Jersey.

(2) *Schedules of prices, charges and discounts.* The applicable prices, authorized charges, and required discounts, from which you shall determine the maximum prices for designated sizes and quantities of anthracite delivered within Coal Area VIII, are set forth in Schedules I, II and III hereafter.

(3) *To what sales this order applies.* If you are a dealer in anthracite, you are bound by the prices, charges and discounts, and by all other provisions of this order for all deliveries within Coal Area VIII, whether or not you are located in Coal Area VIII.

(b) *What this order prohibits.* Regardless of any contract or other obligations, you shall not:

(1) Sell or, in the course of trade or business, buy anthracite of the sizes and in the quantities set forth in the schedules herein, at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay, or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by:

(i) Changing the discounts authorized herein, or

(ii) Charging for any service which is not expressly requested by the buyer, or

(iii) Charging for any service for which a charge is not specifically authorized by this order, or

(iv) Charging a price for any service set forth in Schedule I higher than the schedule price for such service, or

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum price as follows:

(1) Use the schedule which covers your sale. (Schedule I applies to "direct-delivery" sales of anthracite. You will find Schedule I in paragraph (d). Schedule II applies to "yard sales". You will find Schedule II in paragraph (e). Schedule III applies to sales of bagged coal in 50 lb., 25 lb. and 12 lb. paper bags. You will find Schedule III in paragraph (f).)

(2) Take the dollars-and-cents figure given in the applicable schedule for the size and quantity you are selling.

(3) Deduct from this figure the amount of the discount which you are required to give as specified in the schedule. If the schedule makes no reference to any discount, you need give no discount. Where a discount is required, you must state it separately on your invoice.

(4) If, at your purchaser's request, you actually render him a service for which this order authorizes a charge, you may add to the figure obtained as above no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized service charges are those provided for sales under Schedule I.

(5) If you deliver a fraction of a net ton, even if less than one-half ton, and the applicable schedule provides a discount on the basis of one ton or one-half ton, you shall allow a proportionate discount, making your calculation to the nearest full cent. For example, if you are required to deduct $1.00 per ton for cash payment, you shall deduct 75¢ for three quarters of a ton and 25¢ for one-quarter of a ton.

(6) If you deliver a fraction of a net ton, but not less than one-half ton, and the applicable schedule provides a service charge on the basis of one ton, you shall add no more than a proportionate service charge, making your calculation to the nearest full cent. For example, if the transaction permits a service charge of 50¢ per ton, you shall not add more than 38¢ for performance of that service in connection with the delivery of three-quarters of a ton.

(d) *Schedule I: Sales on a "direct-delivery" basis.* Schedule I establishes maximum prices for certain sizes of anthracite in certain specific quantities, delivered to or at any point within Coal Area VIII.

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED

Size	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Broken, egg, stove, nut	$13.75	$7.40	$0.85
Pea	12.45	6.75	.80
Buckwheat	10.55	5.80	.70
Rice	9.10	5.05	----------
Barley	7.95	4.50	----------
Screenings	3.95	2.00	----------

Required discounts. You shall deduct from the prices set forth above, in this schedule, on sales and deliveries of all sizes except screenings, and of rice-sized anthracite delivered in the Borough and Township of Princeton, a discount of $1.00 per net ton and 50¢ per net ½ ton, where payment is made within ten days after delivery. For rice-sized anthracite delivered in the Borough and Township of Princeton, the discounts shall be 65¢ per net ton and 30¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this sub-paragraph requires you to sell on other than a cash basis.

In addition, you shall deduct a discount of 50¢ per net ton, on sales and deliveries of all sizes except screenings, to consumers purchasing from one dealer, for delivery at one point, a quantity of 50 tons or more, within a period of twelve months.

You shall not break up a single order in an attempt to avoid this discount. You must grant this discount whether the purchaser has received 50 tons or more pursuant to a single purchase order, or several purchase orders, and whether there was delivery at one time or at intervals of time, the sole basis of the discount being the annual purchase of 50 tons or more for delivery at one point. You must deduct this discount at or before the delivery of the fiftieth ton and continue to grant the discount on every subsequent delivery during the same twelve-month period.

MAXIMUM AUTHORIZED SERVICE CHARGES

	Cents per net ton
Special service rendered at the request of the purchaser:	
"Carry" or "wheel" (except for sales in 100 lb. lots amounting to less than one-half ton)	50
Carrying upstairs, for each floor above the ground floor (except for sales in 100 lb. lots, amounting to less than one-half ton). This charge shall be in addition to any charge "carry" or "wheel"	50

(e) *Schedule II: "Yard sales".* Schedule II establishes maximum prices for certain sizes of anthracite sold at the dealer's "yard" to dealers or consumers.

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED

Size	Per net ton for sales of ¼ ton or more	Per 100 lbs. for 100 lbs. or more but less than ½ ton
Broken, egg, stove, nut	$12.75	$0.75
Pea	11.45	.70
Buckwheat	9.55	.60
Rice	8.10	
Barley	6.95	
Screenings	2.20	

Required discounts. You shall deduct from the prices set forth above, in this Schedule, on sales and deliveries of all sizes except screenings, and of rice-sized anthracite delivered in the Borough and Township of Princeton, a discount of $1.00 per net ton and 50¢ per net ½ ton, where payment is made within ten days after delivery. For rice-sized anthracite delivered in the Borough and Township of Princeton, the discounts shall be 65¢ per net ton and 30¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(f) *Schedule III: "Sales of bagged coal".* Schedule III establishes maximum prices for sales to dealers and to consumers of certain sizes of anthracite in 50 lb., 25 lb., and 12 lb. paper bags.

MAXIMUM PRICE PER 50-LB. PAPER BAG

Size	Delivered at dealers yard		Delivered to retail stores	Sales to ultimate consumer
	To dealers	To consumers		
Nut	$0.37	$0.42	$0.42	$0.47
Pea	.32	.37	.37	.42

MAXIMUM PRICE PER 25-LB. PAPER BAG

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.19	$0.21	$0.26

MAXIMUM PRICE PER 12-LB. PAPER BAG

Nut	$0.095	$0.105	$0.125

(g) *Commingling.* If one size of anthracite is sold commingled with another size of anthracite, the maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, whether the sale be a "delivered sale", "yard sale", or a "sale of bagged coal", except in the following situation: Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed at the point of loading, or when bagged, the dealer may commingle those sizes in the truck or other vehicle or in the bags, in which the delivery is made. The prices for coal so commingled shall be calculated on the basis of the applicable per net ton price or, in the case of bagged coal, on the basis of the applicable bagged price, for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(h) *Ex Parte 148; freight rate increase.* Since the Ex Parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, dealers' freight rates are the same as those of December 1941. Therefore, you may not increase any schedule price on account of freight rates.

(i) *Addition of increase in suppliers' maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase to you in your supplier's maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(j) *Taxes.* If you are a dealer subject to this order you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased. On sales to the United States or any agency thereof, you need not state this tax separately.

(k) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time after delivery of the anthracite has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(l) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(m) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(n) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing provisions of Licensing Order 1. Licensing Order 1 provides, in brief, that a license is required of all persons making sales for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(o) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, a record of every sale of anthracite hereunder, showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also state separately each service rendered and the charge made for it.

(p) *Posting of maximum prices; sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable schedule or schedules of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip or receipt showing your name and address, the kind, size, and quantity of the anthracite sold to him, and the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from, and the authorized service charges and the taxes, which may be added to, the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser or if, during December 1941, you customarily gave purchasers such sales slips or receipts.

(q) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Trenton District Office of the Office of Price Administration or with the Price Panel of the appropriate War Price and Rationing Board.

(r) *Definitions and explanations.* When used in this Order No. G–17, the terms:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political sub-divisions, or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling anthracite of the sizes set forth in the

schedules herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or at a briquette plant.

(4) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(5) The sizes of Pennsylvania anthracite described as broken, egg, stove, nut, pea, buckwheat, rice, barley and screenings shall refer to the same sizes of the same fuel as were sold and delivered in the State of New Jersey, Coal Area VIII, with such designation during December, 1941.

(6) "Direct delivery", except with respect to sales in 100 lb. lots, means delivery to the buyer's bin or storage space by dumping or chuting directly from the seller's truck or vehicle or, where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space at which the coal can be discharged directly from the seller's truck. "Direct delivery" in 100 lb. lots shall mean depositing in buyer's bin or other storage space designated by buyer.

(7) "Carry" and "wheel" refer to the movement of coal to buyer's bin or storage space in baskets or other containers, or by wheelbarrow or barrel, from seller's truck or vehicle, or from the point nearest and most accessible to the buyer's bin or storage space at which the coal is discharged from seller's truck in the course of "direct delivery".

(8) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car, or at the place of business of the seller other than at seller's truck or vehicle.

(9) "Delivered at dealer's yard" as applied to sales of bagged coal in 50-lb., 25-lb., and 12-lb. paper bags, means physical transfer at the dealer's yard to the purchaser's truck or other vehicle.

(10) "Delivered to retail stores" as applied to sales of bagged coal in 50-lb., 25-lb., or 12-lb. bags means deposit in that part of the store designated by the purchaser.

(11) "Sales to ultimate consumers" as applied to bagged coal in 50-lb., 25-lb., or 12-lb. bags, means sales by dealers other than sales at the dealer's yard, whether or not delivered to the consumer's premises.

(12) Except as otherwise provided herein, or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(s) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable this order supersedes Revised Maximum Price Regulation No. 122.

(t) *Effect of order on Order No. G–17 as originally issued and on Order No. G–23.* Order No. G-17 under Revised Maximum Price Regulation No. 122, as issued on October 20, 1943 is hereby revoked in full as of the effective date of this order. This order also supersedes Order No. G–23, issued under that regulation on November 24, 1943, to the extent that Order No. G–23 is applicable to Order No. G–17.

This Revised Order No. G–17 shall become effective January 28, 1944.

NOTE: The record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong. E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 26th day of January 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–2045; Filed, February 11, 1944, 11:31 a. m.]

[Region III Order G–5 Under RMPR 122]

SOLID FUELS IN DESIGNATED CITIES IN OHIO

Order No. G–5 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the municipalities of Akron, Barberton, Cuyahoga Falls, Mogadore, and Tallmadge, in the State of Ohio.

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made within the corporate limits of Akron, Barberton, Cuyahoga Falls, Mogadore, and Tallmadge, Ohio. These are the highest prices that any dealer may charge when he delivers such fuel at or to a point in such area; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this order No. G–5; but less than maximum prices may at any time be charged, paid or offered:

(2) Obtain a higher than ceiling price by:

(i) Charging a higher price than the scheduled price for a service or making a charge for a service not authorized by this order,

(ii) Making a charge higher than the scheduled charge authorized for the extension of credit,

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly,

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with any requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(c) *Schedule for sales of coal*—(1) *Price schedules.* This schedule sets forth maximum prices for sales of specified sizes, kinds and quantities of solid fuels. Column I describes the coal for which prices are established; Column II shows maximum gross prices for sales on a "direct delivery" basis (subject to discount for payment within 30 days as set forth below); Column III shows maximum cash or credit prices for all "yard sales" to unequipped dealers and to consumers. All prices are for sales on a net ton basis.

Column I	Maximum prices per net ton	
	Column II	Column III
I. High volatile bituminous coals from producing District No. 8 (Eastern Ky. and Southwestern W. Va.):		
A. Lump:		
1. Size Group No. 2 (larger than 3" but not exceeding 5"):		
a. Mine Price Classifications C through E	$9.05	$7.80
b. Mine Price Classifications F through J	8.80	7.55
c. Mine Price Classification K	8.70	7.45
d. Mine Price Classifications L through N	8.60	7.35
e. Mine Price Classifications O and lower	8.50	7.25
B. Egg:		
1. Size Group No. 6 (top size larger than 5" but not exceeding 6" x bottom size 2" and smaller; top size 3" but not exceeding 5" x bottom size larger than 2" but not exceeding 3"):		
a. Mine Price Classifications E through H	8.35	7.10
II. High volatile bituminous coals from producing District No. 4 (Ohio)		
A. Lump:		
1. Size Group Nos. 1 and 2 (bottom size larger than 2"):		
a. Ohio #8 Freight Origin District	7.20	5.95
b. Middle Freight Origin District	7.15	5.90
III. High volatile bituminous coals from producing District No. 3 (Northcentral W. Va. excluding Panhandle):		
A. Lump:		
1. Size Group No. 2 (bottom size larger than 2" but not exceeding 5"):		
a. Mine Price Classifications D and E	7.30	6.05

(2) *Discounts*—(i) *Discounts for payment within 30 days.* All prices quoted in Column II are gross prices and shall be subject to a discount of $.25 per ton where payment is made within 30 days after date of delivery.

(ii) The prices set forth in Column III are cash or credit prices, and the above discount requirements are not applicable to "yard sales" under said Column III.

(3) *Descriptive terms.* All terms used herein to describe size, volatility and producing district are those established and defined by the Bituminous Coal Division and in effect as of midnight, August 23, 1943.

(d) The maximum prices for all sales by dealers of solid fuel not provided for by this Order No. G–5 shall be the maximum prices established by Revised Maximum Price Regulation No. 122.

(e) *Schedule of service charges.* The maximum price for any service rendered by a dealer in connection with a sale or

handling of solid fuel shall be the highest price charged by the dealer during December 1941 for the same service. If, during December 1941, the dealer rendered any service without charge, he shall continue to do so. Although a dealer may have, during December 1941, rendered other services than those here enumerated, dealers customarily render these services subject to this regulation: carry, wheel, trimming and storing in the bin, bagging, shovel and dust treatment of coal.

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement.

(g) *Addition of increase in suppliers prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereon; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(i) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72, effective October 1, 1943.

(j) *Right of amendment or revocation.* The Regional Administrator or Price Administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(l) *Posting of maximum prices; sales slips.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size, and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order.

(m) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violations of this order are urged to communicate with Cleveland District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(6) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to the terms used herein, and in full force and effect.

(o) *Applicability of this order.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

This order No. G-5 under Revised Maximum Price Regulation No. 122 shall become effective January 15, 1944.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued January 10, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-2041; Filed, February 11, 1944; 11:28 a. m.]

[Region III Order G-19 Under MPR 329]

FLUID MILK IN DESIGNATED COUNTIES IN MICHIGAN

Order No. G-19 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk in Wayne, McComb, and Oakland Counties, Michigan.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by §§ 1351.408 (b) and 1351.408 (c) of Maximum Price Regulation No. 329, as amended, *It is hereby ordered:*

(a) Any milk distributor located in the Counties of Wayne, McComb, and Oakland, in the State of Michigan, may pay producers, an amount not in excess of $3.69 per cwt., f. o. b. plant, for "milk" of 3.5% butterfat content, plus 5¢ per cwt. for each 1/10 of 1% butterfat variation over 3.5%, and minus 5¢ per cwt. for each 1/10 of 1% butterfat variation under 3.5%.

(b) Each milk distributor increasing his price to producers for "milk" pursuant to the provisions of this order shall, within five days after such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter or postcard, of his price established pursuant to the provisions of this order, together with a statement of his previous price.

(c) *Definitions.* (1) "Milk distributor" is defined to mean any individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing who purchases "milk" in a raw and unprocessed state for the purpose of resale as fluid milk in glass, paper, or other containers.

(2) "Producer" means a farmer, or other person or representative, who owns, superintends, manages, or otherwise controls the operations of a farm on which "milk" is produced. For the purposes of this order, farmers' cooperatives are producers when (1) they do not own or lease physical facilities for receiving, processing, or distributing milk, and (2) they do own or lease physical facilities for receiving, processing, or distributing milk, but they act as selling agents for producers, whether members of such cooperative or not.

(3) "Milk" means liquid cow's milk in a raw, unprocessed state which is purchased for resale for human consumption as fluid milk. "In a raw and unprocessed state" means unpasteurized and not sold and delivered in glass or paper containers.

(d) This order may be modified, amended or revoked at any time.

This order shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued January 29, 1944.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 44-2064; Filed, February 11, 1944; 11:41 a. m.]

[Region III Order G–42 Under RMPR 122]

SOLID FUELS IN MAYFIELD, KY.

Order No. G–42 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers in Mayfield, Ky.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.259 of Revised Maximum Price Regulation No. 122, *It is hereby ordered:*

(a) Any dealer in solid fuels in Mayfield, Kentucky, may, for the effective period of this order, increase his established maximum prices for sales of coal, on a delivered basis, by an amount not exceeding 30¢ per ton.

(b) The increase permitted under section (a) hereof, shall not be applicable to yard sales of coal.

(c) Customary allowances, discounts and price differentials must be maintained by each dealer.

(d) This order shall be effective for the period from February 1, 1944 to and including March 31, 1944.

This order may be modified, amended or revoked at any time.

This order shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued February 1, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44–2065; Filed, February 11, 1944; 11:41 a. m.]

[Region IV Orders G–5 and G–10 Under RMPR 122, Supp. Order 2]

SOLID FUELS IN DESIGNATED AREAS IN NORTH CAROLINA AND VIRGINIA

Supplementary Order No. 2 to Orders No. G–5 as amended, and G–10 as amended under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers applying respectively in or about the following areas: Charlotte, North Carolina, Henrico and Chesterfield Counties and the city of Richmond, Virginia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered,* That:

To the maximum prices for Pennsylvania anthracite coal established by the above orders may be added the sum of 45¢ per ton, 23¢ per ½ ton, and 12¢ per ¼ ton during the month of February, 1944. The increases provided in this supplementary order apply only during the period February 1, 1944, to February 29, 1944, inclusive. On and after March 1, 1944, the maximum prices for anthracite shall be as provided in the amended orders prior to the issuance of this Supplementary Order No. 2.

The provisions of this Supplementary Order No. 2 may be amended or revoked at any time by the Regional Administrator.

This supplementary order shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F. R. 4681)

Issued February 3, 1944.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 44–2077; Filed, February 11, 1944; 11:45 a. m.]

[Region IV Orders G–13, G–15 and G–16 Under RMPR 122, Supp. Order 1]

SOLID FUELS IN DESIGNATED AREAS IN NORTH CAROLINA AND VIRGINIA

Supplementary Order No. 1 to Orders No. G–13, G–15, and G–16 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers applying respectively in or about the following areas: Wilmington, North Carolina, Winston-Salem, North Carolina, and Lynchburg, Virginia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered,* That:

To the maximum prices for Pennsylvania anthracite coal established by the above orders may be added the sum of 45¢ per ton, 23¢ per ½ ton, and 12¢ per ¼ ton during the month of February, 1944. The increases provided in this supplementary order apply only during the period February 1, 1944, to February 29, 1944, inclusive. On and after March 1, 1944, the maximum prices for anthracite shall be as provided in the amended orders prior to the issuance of this Supplementary Order No. 1.

The provisions of this Supplementary Order No. 1 may be amended or revoked at any time by the Regional Administrator.

This supplementary order shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued, February 3, 1944.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 44–2076; Filed, February 11, 1944; 11:45 a. m.]

[Region VI Gen. Order G–5 Under RMPR 122, Amdt. 2]

SOLID FUELS IN TWIN CITIES AREA

Amendment No. 2 to General Order No. G–5 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels sold in the Twin Cities Area.

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, and for reasons stated in the opinion issued herewith, *It is ordered,* That sections IX and X of the price schedule set forth in paragraph (c) (1) of General Order No. G–5 as amended, be and they are hereby amended to read as follows:

1	2	3	4	5	6	7
Description	Domestic coal		Steam coal		Dealer at yard	
	Delivered	Consumer at yard	Delivered	Consumer at yard	Domestic	Steam
IX. Arkansas and Oklahoma anthracite from District #14:						
1. Egg, stove, nut	$15.65	$14.65			$12.90	
2. Screenings			$8.45	$8.10		$7.45
X. By-product coke:						
1. Egg, stove, nut	15.45	14.45	14.00	13.60	12.70	13.00
2. Pea	14.20					

This Amendment No. 2 to General Order No. G–5 shall become effective as of December 23, 1943.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44–2033; Filed, February 11, 1944; 11:29 a. m.]

[Region VI Gen. Order G–5 Under RMPR 122, Amdt. 3]

SOLID FUELS IN TWIN CITIES AREA

Amendment No. 3 to General Order No. G–5 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels sold in the Twin Cities Area.

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, and for reasons stated in the opinion issued herewith: *It is ordered,* That sections I, VI and IX of the price schedule set forth in paragraph (c) (1) of General Order No. G–5 as amended, be and it is hereby amended to read as follows:

1	2	3	4	5	6	7
Description	Domestic coal		Steam coal		Dealer at yard	
	Delivered	Consumer at yard	Delivered	Consumer at yard	Domestic	Steam
I. Low volatile bituminous coal from Dist. #7 (W. Va. & N. Va. Smokeless):						
1. Lump, 2" and over and egg mixed	$15.55	$14.55	$14.10	$13.70	$12.80	$13.10
2. Egg, 3" x 2" and larger	15.90	14.90	14.45	14.05	13.15	13.45
3. Stove, 2" x 1¼" and larger	15.35	14.35	13.90	13.50	12.60	12.90
4. Pea or nut, 1¼" x ⅝"	14.55	13.55	12.05	11.65	11.80	10.85
5. Stoker pea ⅝" x ¼"	13.30	12.30	11.70	11.30	10.55	10.65
6. Unscreened stoker (buckwheat)	12.05	11.05	10.00	9.60	9.80	9.00
7. Screenings ⅝" x 0 and larger	11.30	10.30	9.10	8.70	9.05	8.10
8. Run-of-mine	13.20	12.20	11.70	11.30	10.80	10.70
Premium coals from Mine Index #73:						
9. Lump, 2" and over	16.15	15.15	14.70	14.30	13.40	13.70
10. Egg, 3" x 2" and larger	16.50	15.50	15.05	14.65	13.75	14.05
11. Stove, 2" x 1¼" and larger	15.95	14.95	14.45	14.05	13.20	13.50
VI. High volatile bituminous coal from Dist. #10 (Ill.) Southern Sub-District:						
1. Egg 6" x 3"	11.45	10.45	9.75	9.35	8.70	8.75
2. Small egg 3" x 2"	11.15	10.15	9.45	9.05	8.40	8.45
3. Stove 2" x 1¼"	10.70	9.70	9.00	8.60	7.95	8.00
4. Raw screenings, not exceeding (2" x 0)	9.30	8.30	7.10	6.60	7.05	6.10
5. Commercial stoker screenings, washed and redusted, 2" x 0 and smaller	9.75	8.75	7.50	7.00	7.50	6.50
6. Special prepared (double screened) domestic stoker	10.35	9.35	8.15	7.75	8.15	7.15
IX. Arkansas and Oklahoma anthracite from Dist. #14:						
1. Egg, stove, nut	15.75	14.75			13.00	
2. Screenings			8.45	8.05		7.45

This Amendment No. 3 to General Order No. G–5 shall become effective February 1, 1944.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44–2040; Filed February 11, 1944; 11:28 a. m.]

[Region VII Order G–17 Under RMPR 122, Amdt. 1]

SOLID FUELS IN MONTANA

Order No. G–17 under Revised Maximum Price Regulation 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in certain trade areas in the State of Montana.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Subparagraphs (1), (2), (3), (4), and (5) of paragraph (d) are amended by adding 10¢ to each per-ton price and 5¢ to each half-ton price as set forth in Tables I, II, III, IV, and V thereof, for bituminous coal produced in Districts 20 and 22; and by adding 20¢ to each per-ton price and 10¢ to each half-ton price as set forth in Tables I, II, III, IV, and V thereof, for bituminous coal produced in District 19.

2. Subparagraph (2) of paragraph (p) is amended by adding thereto the following sentence: "The special charge authorized for such service shall apply only to the amount of coal actually rehandled."

3. Two new paragraphs, designated (r) and (s), are added, to read as follows:

(r) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(s) *Additional charge for delivering beyond area.* For a delivery made to a place beyond any one of the several trade areas as defined herein, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, by a dealer in such area may be added to the specific maximum prices established by this order. A dealer who was not in business in such area in December, 1941, or who if in business in such area during that time made no such extra-area deliveries, may take as his additional delivery charge the charge of his nearest competitor who was established in business in said area and did make such extra-area deliveries in December, 1941.

4. *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 20th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–2032; Filed, February 11, 1944; 11:29 a. m.]

[Region VII Order G–18 Under RMPR 122, Amdt. 1]

SOLID FUELS IN NEW MEXICO

Order No. G–18 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in certain trade areas in the State of New Mexico.

Pursuant to the Emergency Price Control Act of 1942, as amended, and §1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Subparagraphs (1) and (2) of paragraph (d) are amended by adding 50¢ to each per-ton price and 25¢ to each half-ton price, as set forth in Tables I and II, for bituminous coal produced in District No. 18, except as to size #8, 1½ x 1 walnut produced in Sub-district 2, Cerrillos, for which maximum prices of $9.25 per ton and $4.90 per half-ton for delivered sales and $8.75 per ton for yard sales are hereby established; no increase in price is granted as to bituminous coal produced in District No. 17 or as to Cerrillos anthracite coal produced at Madrid, New Mexico. The following note is added to Table I: "*The prices hereinabove established for sizes #11 and #12 slack coal are for commercial deliveries of one ton or more."

2. A new paragraph designated (p) is added to read as follows:

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

3. *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 21st day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 21st day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–2031; Filed, February 11, 1944; 11:29 a. m.]

[Region VII Order G–19 Under RMPR 122, Amdt. 1]

SOLID FUELS IN SANTA FE, N. MEX., AREA

Order No. G–19 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in the Santa Fe Trade Area, State of New Mexico.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Subparagraph (1) of paragraph (d) is amended by adding 20¢ to each per-ton price and 10¢ to each half-ton price, as set forth in Table I, for #9 3x1½ nut, bituminous coal produced in District 17, Sub-district 3, Canon No. 2; and by adding 50¢ to each per-ton price and 25¢ to each half-ton price, as set forth in Table I, for bituminous coal produced in District 18, Sub-district 2, Cerrillos, and Sub-district 3, La Ventana; but no increase is granted for Cerrillos anthracite produced in Madrid, New Mexico.

2. A new paragraph designated (p) is added to read as follows:

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

3. *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 20th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-2043; Filed, February 11, 1944; 11:29 a. m.]

[Region VII Order G-24 Under RMPR 122, Amdt. 3]

SOLID FUELS IN DENVER REGION

Order No. G-24 under Revised Maximum Price Regulation No. 122, Amendment No. 3. Solid fuels sold and delivered by dealers. Adjustment of specific maximum prices of dealers in Region VII to compensate for increases in supplier's price under Amendment 74 to Maximum Price Regulation No. 120.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 3 is issued.

1. Subparagraph (17) of paragraph (d), "Appendix A", erroneously designates the "District" as "11", whereas the correct number of said district is "17", and that error is hereby corrected by deleting said number "11" and substituting therefor the number "17".

2. Subparagraph (5) of paragraph (d), "Appendix A", is amended and rewritten to read as follows:

Mines operated by	District	Subdistrict	Index No.	Amount	Effective date
(5) Moffat Coal Company:				*Cents*	
Moffat Nos. 1 and 2	17	4	51	35	1-12-44
Arrowhead	17	4	58	35	1-12-44

3. Subparagraph (7) of paragraph (d), "Appendix A", is amended by deleting therefrom, effective as of January 4, 1944, the entire line covering Gebo #4 Mine.

4. Paragraph (d), "Appendix A", is amended by adding thereto two new subparagraphs designated (18) and (19), respectively, and reading as follows:

Mines operated by—	District	Subdistrict	Index No.	Amount	Effective date
(18) Butte Valley Coal Company:				*Cents*	
Butte Valley	17	1	17	3	12-11-43
(19) American Smelting and Refining Company:					
Bon Carbo	17	8	14	38	1-13-44

5. *Effective date.* This Amendment No. 3 shall become effective immediately.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-2042; Filed, February 11, 1944; 11:28 a. m.]

[Region VII Order G-3 Under MPR 154, Amdt. 1]

ICE IN BOISE, IDAHO

Order No. G-3 under Maximum Price Regulation No. 154, Amendment No. 1. Ice. Establishment of specific maximum prices for dealers in Boise, Idaho.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1393.8 (e) of Maximum Price Regulation No. 154, and for the reason set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (b) is amended by adding thereto new subparagraphs (3) and (4), to read as follows:

(3) Crushed ice, delivered, 20¢ per 25-pound lot.

(4) Crushed ice, delivered, 40¢ per 50-pound lot.

2. *Effective date.* This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-2066; Filed, February 11, 1944; 11:46 a. m.]

[Region VII Order G-40 Under 18 (c), Amdt. 1]

FLUID MILK IN CACHE VALLEY, UTAH, AREA

Order No. G-40 under § 1499.18 (c) of the General Maximum Price Regulation, Amendment No. 1. Service charges of contract carriers who truck milk in the Cache Valley Area of the State of Utah.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (b) is amended and rewritten to read as follows:

(b) *Permission granted processors and haulers to adjust service rates by agreement.* From and after the effective date of this order, it shall be permissible for Morning Milk Company of Wellsville, Utah; Sago Milk Products Company of Richmond, Utah; Borden Company of Morgan, Utah; Cache Valley Association Cheese Plant of Amalga, Utah; Arden-Sunfreze Creameries of Ogden, Utah, and the Weber Central Dairy Association of Ogden, Utah, to negotiate separately with their several contract milk haulers, milk hauling contracts at rates to be mutually agreed upon by and between each of said processors separately and its respective milk haulers: *Provided, however,* That no such negotiated or agreed milk haulers' rate shall exceed the maximum price for such contract carrier service as established under the General Maximum Price Regulation prior to December 1, 1942, by more than 16⅔ percent: *And provided further,* That any and all such increases in milk haulers' rates shall be absorbed by each of said processors separately as to its contract milk haulers, and no part of any such increase shall be in any manner added to the present maximum prices established for said processors on the products which they process, manufacture, and sell, nor shall such increase in hauling charges or any part thereof be deducted from the prices paid by a processor to producers of milk by adding the same to the cost of delivering such milk to the processor's customary receiving point. *Provided, further,* That Weber Central Dairy Association of Ogden, Utah, being a cooperative association of milk producers, may deduct such increased hauling charge from the price paid to its cooperative producers.

2. *Effective date.* This Amendment No. 1 shall be effective retroactively as of September 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-2079; Filed, February 11, 1944; 11:46 a. m.]

[Region VII Order G–51 Under 18 (c), Amdt. 1]

CORDWOOD IN NAMPA, IDAHO

Order No. G–51 under § 1499.18 (c) of the General Maximum Price Regulation, Amendment No. 1. Maximum prices for cordwood sold and delivered in Nampa, Idaho.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reason set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Table II of paragraph (c) (2) is amended by increasing the price of "Part 1" maximum price for dry-cut or seasoned green-cut rick 12'' stove 4x8x1 from $4.25 to $4.50, and by increasing the "Part 2" price for the same stovewood from $4.00 to $4.25.

2. *Effective date.* This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–2078; Filed, February 11, 1944: 11:46 a. m.]

[Cincinnati Order G–1 Under MPR 418]

FRESH FISH IN HAMILTON COUNTY, OHIO

Order G–1 fixing area transportation allowance to wholesaler of fresh fish under Maximum Price Regulation 418, section 7 (b).

In accordance with Maximum Price Regulation 418, section 7 (b) and the authority delegated to the Cincinnati District Office by the Regional Office of Region III, which was previously delegated to that Regional Office by the Price Administrator, *It is hereby ordered,* That wholesalers of the fresh fish and sea food, hereinafter described, be authorized to add to the legal maximum ceiling price charged to them by their suppliers, a transportation allowance of $3.50 per cwt., or three and one-half cents per pound, in lieu of the actual transportation cost in determining their maximum prices for the sale of such hereinafter described fish in Hamilton County, Ohio.

This transportation allowance shall be used instead of the actual transportation costs for the following varieties of fresh fish in the form of whole, round, fillets or steaks: Yellow Tail (Flounder), Haddock, Hake, Pollock, and Codfish which were caught in the Atlantic Ocean and shipped from Boston and/or New Bedford, Massachusetts, to Cincinnati, Ohio, by Railway Express.

In determining the maximum price for sales by wholesalers of fresh fish and sea food in Hamilton County, Ohio, for which a transportation allowance is not hereby established, wholesalers shall add actual transportation costs as provided in Maximum Price Regulation 418, section 7 (a).

This Order G–1 shall become effective January 31, 1944.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681, Gen. Order 51, 8 F.R. 6006)

Issued January 27, 1944.

JOHN E. ROBINSON, Jr.,
Cincinnati District Director.

[F. R. Doc. 44–2037; Filed, February 11, 1944: 11:27 a. m.]

[Spokane Order G–2 Under 18 (c)]

CERTAIN FIREWOOD IN FERRY COUNTY, WASH.

Order No. G–2 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Certain Firewood in Ferry County, Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Spokane District Office of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation and Order of Delegation No. 34 under General Order No. 32, *It is hereby ordered:*

(a) With respect to the sales and deliveries of certain specified kinds of firewood in Ferry County, Washington, the adjusted maximum prices therefor shall be the prices set forth in paragraphs (b) and (c).

(b) The maximum prices for fir, tamarack, and pine forest wood delivered to consumer's premises shall be:

Length of wood:	*Maximum price (per cord)*
4 ft.	$8.00
24 in.	9.50
	(per rick)
16 in. or shorter	$3.50

(c) The maximum prices for fir, tamarack, and pine tie slabs and mill slabwood shall be:

(1) For sales of wood delivered to consumer's premises:

Length of wood:	*Maximum price (per cord)*
8 ft. or longer	$5.00
4 ft.	6.00
24 in.	7.25
	(per rick)
16 in. or shorter	$2.50

(2) For sales of wood f. o. b. mill:

Length of wood:	*Maximum price (per cord)*
8 ft. or longer	$2.50
4 ft.	3.00

(d) If in March 1942, the seller had an established practice of giving allowances, discounts, or other price differentials to certain classes of purchasers, he must continue such practice, and the maximum prices fixed by this order must be reduced to reflect such allowances, discounts, and other price differentials.

(e) Lower prices than the maximum prices established by this order may be charged, demanded, offered, or paid.

(f) Violations of this order shall subject the violator to all of the criminal and civil penalties provided by the Emergency Price Control Act of 1942, as amended.

(g) Order No. G–42 under § 1499.18 (c), as amended, of the General Maximum Price Regulation, issued on August 17, 1943, by the San Francisco Regional Office is hereby superseded and revoked.

(h) This order may be revoked, amended, or corrected at any time. This order shall become effective February 7, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 2d day of February 1944.

DAVE S. COHN,
District Director.

[F. R. Doc. 44–2036; Filed, February 11, 1944; 11:26 a. m.]

[Region I Supp. Order 2 Under RMPR 122]

PENNSYLVANIA ANTHRACITE COAL IN NEW ENGLAND REGION

Supplementary Order No. 2 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Named Pennsylvania Anthracites.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered,* That:

(a) In every instance where one of the following sizes of a named Pennsylvania anthracite coal is not specifically priced in the Region I orders under Revised Maximum Price Regulation No. 122 which are designated in paragraph (c) hereof, the specific maximum prices in said orders for Pennsylvania anthracite may be increased by the following amounts when the following sizes of named Pennsylvania anthracite coals are sold in conformance with the conditions hereinafter set forth:

Kind and size	Amount of addition			
	Per net ton	Per ½ ton	Per ¼ ton	Per 100 lbs.
Jeddo Highland:				
Broken, egg, stove, chestnut, pea, and buckwheat	$0.25	$0.15	$0.05	None
Rice	.15	.10	None	None
Franklin:				
Broken	.75	.40	.20	$0.05
Egg	1.00	.50	.25	.05
Stove	1.25	.65	.30	.05
Chestnut	.30	.15	.05	None
Rice	.10	.05	None	None
Greenwood:				
Egg, stove, chestnut, and pea	.25	.15	.05	None
Salem Hill:				
Egg and stove	.70	.35	.20	.05
Chestnut	.30	.15	.05	None
Brooder nut	.55	.30	.15	None
Pea	.25	.15	.05	None
Rice	.10	.05	None	None
Colonial:				
Broken, egg, stove, chestnut, pea, and buckwheat	.65	.35	.15	None
Rice	.55	.30	.15	None
Silver Brook:				
Broken, egg, stove, chestnut, pea, and buckwheat	.30	.15	.05	None
Rice	.25	.15	.05	None

(b) The increased maximum prices provided by paragraph (a) of this order may be charged only if:

(1) The named coal is not mixed with a coal which is not named herein, or with any other named coal either in storage or delivery: *Provided, however,* That if a purchaser requests a delivery of a mixture of two or more coals, the dealer may comply with such request if the quantity of each is separately weighed, the price charged does not exceed the weighted average of the maximum prices for the individual coals and the invoice or similar document delivered to the purchaser clearly states the quantity of each coal in the mixture, identified in the manner set forth herein;

(2) An invoice or similar document is delivered to the purchaser which describes the coal by the name used in this order;

(3) The records kept by the dealer, pursuant to the record-keeping clause of the otherwise applicable order, clearly identify the named coal by the name used in this order, and

(4) The dealer preserves and keeps available for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, all invoices and other records of his purchases of named coals.

(c) *Applicability.* This Supplementary Order No. 2 shall apply:

(1) To the following outstanding Orders:

Order No. G–9 under §§ 1340.259 (a) (1) and 1340.260, Metropolitan Boston Area.
Order No. G–11 under § 1340.260, Lawrence, Massachusetts Area.
Order No. G–12 under §§ 1340.259 (a) (1) and 1340.260, Haverhill, Massachusetts Area.
Order No. G–13 under § 1340.260, Lynn-Salem Area.
Order No. G–14 under § 1340.260, Lowell, Massachusetts Area.
Order No. G–15 under § 1340.260, Manchester, New Hampshire Area.
Order No. G–16 under § 1340.260, Brockton, Massachusetts Area.
Order No. G–17 under § 1340.260, Taunton, Massachusetts Area.
Order No. G–18 under §§ 1340.259 (a) (1) and 1340.260, New London, Connecticut Area.
Order No. G–19 under § 1340.260, Concord, New Hampshire Area.
Order No. G–21 under § 1340.260, Nashua, New Hampshire Area.
Order No. G–22 under § 1340.260, Worcester, Massachusetts Area.
Order No. G–23 under § 1340.260, Stoughton, Massachusetts.
Order No. G–24 under §§ 1340.259 (a) (1) and 1340.260, Bridgeport, Connecticut Area.
Order No. G–25 under § 1340.260, Portland, Maine Area.
Order No. G–26 under §§ 1340.259 (a) (1) and 1340.260, Portsmouth-Kittery Area.
Order No. G–28 under §§ 1340.259 (a) (1) and 1340.260, Bangor, Maine Area.
Order No. G–29 under § 1340.260, Lewiston-Auburn Area.
Order No. G–30 under § 1340.260, Augusta, Maine Area.
Order No. G–31 under § 1340.260, Brunswick, Maine Area.
Order No. G–32 under § 1340.260, Rockland, Maine Area.
Order No. G–33 under § 1340.260, Biddeford-Saco Area.
Order No. G–34 under § 1340.260, Bath, Maine Area.
Order No. G–35 under § 1340.260, Hampton-Seabrook Area.
Order No. G–36 under § 1340.260, Dover-Exeter Area.
Order No. G–37 under § 1340.260, Stamford-Norwalk Area.

(d) *Definitions.* When used in this Supplementary Order No. 2, the term:

(1) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(2) "Named Pennsylvania anthracite" means "Jeddo Highland", "Franklin", "Greenwood", "Salem Hill", "Colonial" and "Silver Brook".

(3) "Jeddo Highland" means that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed by said company under the trade names "Jeddo Coal", "Highland Coal", or "Hazle Brook Coal".

(4) "Franklin" means that Pennsylvania anthracite which is prepared at the Williamstown breaker of the Franklin-Lykens Coal Company, Ashland, Pennsylvania, and marketed under the trade name "The Only Genuine Franklin Coal of Lykens Valley". Whenever a specific price is provided in an Order for a specified size of "Red Ash," that price, and not the price provided by this Supplementary Order, shall apply to "Franklin".

(5) "Greenwood" means that Pennsylvania anthracite which is produced by Lehigh Navigation Coal Company, Philadelphia, Pennsylvania, and marketed under the trade name "Old Company's Lehigh Greenwood Premium Anthracite".

(6) "Salem Hill" means that Pennsylvania anthracite which is produced by Haddock Mining Company at the Salem Hill Colliery, Schuylkill County, near Pottsville, Pennsylvania, and which meets the quality and preparation standards established by Order No. 2 under Maximum Price Regulation No. 112.

(7) "Brooder nut" size of Salem Hill means Salem Hill anthracite which meets the following specifications: it shall be sized through a 1⅝" and over a 1$^{13}/_{16}$" test mesh with maximum over-size of 2% and undersize of 3%; float and sink test shall not exceed 5% sink on a 1.7 gravity. The differential provided for Salem Hill "brooder nut" shall be applied to the non-premium price for chestnut size.

(8) "Colonial" means that Pennsylvania anthracite which is produced and prepared by Colonial Collieries Corporation, Philadelphia, Pennsylvania, and which meets the quality and preparation standards established by Order No. 4 under Maximum Price Regulation No. 112.

(9) "Silver Brook" means that Pennsylvania anthracite which is prepared by Haddock Mining Company, Wilkes-Barre, Pennsylvania, at its Beaver Meadow Breaker from coal produced at the Deringer Colliery and the Tomhicken Colliery and marketed under the trade name "Silver Brook Coal", and which meets the quality and preparation standards established by Order No. 3 under Maximum Price Regulation No. 112.

(e) Nothing contained in this Supplementary Order No. 2 shall be so construed as to allow any change in or addition to the specific maximum prices for Pennsylvania anthracite in bags containing less than 100 pounds each which are set forth in any Region I Order under Revised Maximum Price Regulation No. 122.

(f) This Supplementary Order No. 2 may be revoked, amended or corrected at any time.

This Supplementary Order No. 2 shall become effective January 31, 1944

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2110; Filed, February 12, 1944; 11:37 a. m.]

[Region I Supp. Order 4 Under RMPR 122]

PENNSYLVANIA ANTHRACITE IN NEW ENGLAND REGION

Supplementary Order No. 4 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Temporary price increase, Pennsylvania anthracite.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered,* That:

(a) Dealers making sales of Pennsylvania anthracite subject to the Region I orders under Revised Maximum Price Regulation No. 122 listed in paragraph (b) of this order may, for the period commencing with the effective date of this order and expiring midnight February 29, 1944, increase the specific maximum prices for all sizes of Pennsylvania anthracite coal which are specifically priced in said orders (except yard screenings) by the following amounts:

Unit:	*Permitted addition*
Per Net Ton	45 cents
Per ½ Ton	25 cents
Per ¼ Ton	10 cents
Units smaller than ¼ ton	No increase

(b) *Orders affected.* (1) The following outstanding Orders:

Order No.	*Area*
G–9	Metropolitan Boston Area.
G–11	Lawrence, Massachusetts, Area.
G–12	Haverhill, Massachusetts, Area.
G–13	Lynn-Salem Area.
G–14	Lowell, Massachusetts, Area.
G–15	Manchester, New Hampshire, Area.
G–16	Brockton, Massachusetts, Area.

Order No.	*Area*
G–17	Taunton, Massachusetts, Area.
G–18	New London, Connecticut, Area.
G–19	Concord, New Hampshire, Area.
G–21	Nashua, New Hampshire, Area.
G–22	Worcester, Massachusetts, Area.
G–23	Stoughton, Massachusetts, Area.
G–24	Bridgeport, Connecticut, Area.
G–25	Portland, Maine, Area.
G–26	Portsmouth-Kittery Area.
G–28	Bangor, Maine, Area.
G–29	Lewiston-Auburn Area.
G–30	Augusta, Maine, Area.
G–31	Brunswick, Maine, Area.
G–32	Rockland, Maine, Area.
G–33	Biddeford-Saco Area.
G–34	Bath, Maine, Area.
G–35	Hampton-Seabrook Area.
G–36	Dover-Exeter Area.
G–37	Stamford-Norwalk Area.
G–38	Milford and Hopedale, Massachusetts.
G–39	Providence, Rhode Island, Area.
G–40	Rutland, Vermont, Area.
G–41	Adams, Massachusetts, Area.
G–42	Bennington, Vermont, Area.
G–43	Manchester, Vermont, Area.
G–44	Danbury, Connecticut, Area.

(2) Such future orders as specifically provide therein that this order shall apply thereto.

(c) This order, which may be revoked, amended or corrected at any time, shall, unless earlier revoked or replaced, expire at midnight, February 29, 1944.

This Supplementary Order No. 4 shall become effective February 1, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2109; Filed, February 12, 1944; 11:37 a. m.]

[Region I Supp. Order 5 Under RMPR 122]

TRANSPORTATION TAX ON SOLID FUELS IN NEW ENGLAND REGION

Supplementary Order No. 5 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Transportation tax.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered,* That:

(a) The transportation tax provision in the paragraphs of each Region I order under Revised Maximum Price Regulation No. 122 listed in paragraph (b) of this order is amended to read as follows:

Transportation tax. Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton: *And provided, further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof..

(b) The applicable paragraph, and the Region I order under Revised Maximum Price Regulation No. 122 is as follows:

Order No. and area:	*Paragraph*
G-6, Hartford, Connecticut	(b) (3)
G-7, Metropolitan Boston	(h)
G-8, Worcester, Massachusetts	(b) (3)
G-9, Metropolitan Boston	(d)
G-11, Lawrence, Massachusetts	(e)
G-12, Haverhill, Massachusetts	(e)
G-13, Lynn-Salem, Massachusetts	(e)
G-14, Lowell, Massachusetts	(e)
G-15, Manchester, New Hampshire	(e)
G-16, Brockton, Massachusetts	(e)
G-17, Taunton, Massachusetts	(e)
G-18, New London, Connecticut	(d)
G-19, Concord, New Hampshire	(e)
G-20, North Shore	(g)
G-21, Nashua, New Hampshire	(d)
G-22, Worcester, Massachusetts	(e)
G-23, Stoughton, Massachusetts	(e)
G-24, Bridgeport, Connecticut	(e)
G-25, Portland, Maine	(g)
G-26, Portsmouth-Kittery	(e)
G-28, Bangor, Maine	(f)
G-29, Lewiston-Auburn	(f)
G-30, Augusta, Maine	(e)
G-31, Brunswick, Maine	(e)
G-32, Rockland, Maine	(e)
G-33, Biddeford-Saco	(f)
G-34, Bath, Maine	(f)
G-35, Hampton-Seabrook	(e)
G-36, Dover-Exeter	(e)
G-37, Stamford-Norwalk	(f)

This Supplementary Order No. 5 shall be effective as of January 18, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 2d day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2108; Filed, February 12, 1944; 11:37 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

UTILITIES EMPLOYEES SECURITIES CO., ET AL.

[File Nos. 70–740, 70–741, 70–743, 70–746]

NOTICE OF FILING POST-EFFECTIVE AMENDMENT NO. 2

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of February 1944.

In the matter of Utilities Employees Securities Company, File No. 70–740; Stanley Clarke, trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation, General Gas & Electric Corporation, Associated Utilities Corporation, File No. 70–741; New England Gas and Electric Association, File No. 70–743; Noel T. Dowling, James V. Gilloon, Jr., Joseph A. Shields, trustees under pension trust agreement dated December 14, 1937, as amended, File No. 70–746.

The Commission having on August 12, 1943, approved a plan of liquidation, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for Utilities Employees Securities Company (Uesco), a subsidiary of Associated Gas and Electric Company, Associated Gas and Electric Corporation, and Associated Utilities Corporation, registered holding companies, and having at the same time approved certain applications and permitted certain declarations to become effective; the Commission having reserved jurisdiction to approve or disapprove the terms of the Welfare Trust Agreement before the same shall become effective pursuant to the plan; and an amendment to the plan having been filed submitting said Welfare Trust Agreement entered into between and among the various parties to the original plan of liquidation; and Uesco and the Trustee of Associated Gas and Electric Company and the Trustees of Associated Gas and Electric Corporation having requested that they be directed to mail a copy of this notice and of the Welfare Trust Agreement on or before a date to be set by this Commission to each of the distributee companies entitled to participate in the distribution of Uesco welfare assets, pursuant to the agreement dated June 4, 1943, heretofore approved by this Commission in its order dated August 12, 1943, and that an appropriate affidavit of such mailing shall be filed with this Commission;

Notice is hereby given of the filing of such post-effective amendment. All interested persons are referred to the offices of the Commission for a copy of said amendment. The provisions of the agreement, included in the amendment, may be summarized as follows:

The purpose of the agreement is to define the rights, duties, liabilities, and accountability of the Welfare Trustee, the present trustee being Noel T. Dowling. Uesco is to transfer to the Welfare Trustee all of its remaining assets. Within a reasonable time, after the receipt of the Uesco assets, the Welfare Trustee is to establish a separate account for each distributee company and allocate to the account of such company its aliquot portion of the assets. Each distributee company is to be entitled to receive from the Welfare Trustee its portion upon the establishment by such distributee company of employee pension, insurance, or welfare programs as specified in the original settlement agreement of June 4, 1943. The Welfare Trustee is not, however, required to deliver to the company its portion, unless he is satisfied that such company has duly complied with all the conditions to be performed by it. The Welfare Trust Agreement also contains provisions as to the termination of the rights of the Welfare Trustee, the administration of the fund, compensation to be permitted, and other matters originally set forth in the agreement of June 4, 1943, heretofore approved by the Commission.

Notice is further given that any interested person may, not later than March 8, 1944, at 5:30 p. m., e. w. t., re-

quest the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is hereby ordered, That copies of this notice and of the Welfare Trust Agreement be mailed on or before February 25, 1944, to each of the distributee companies entitled to participate in the distribution of the Uesco welfare assets, pursuant to the agreement dated June 4, 1943, and that an appropriate affidavit of such mailing be filed with this Commission on or before March 3, 1944;

It is further ordered, That the trustees of Associated Gas and Electric Company and Associated Gas and Electric Corporation, New England Gas and Electric Association, and Uesco, directly or indirectly, cause appropriate notice to be circularized among all employees of the various distributee companies and make available copies of the Welfare Trust Agreement to all employees of any of the distributee companies, or any organization of such employees, who may request the same.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2085; Filed, February 11, 1944; 1:05 p. m.]

[File No. 70-852]

NORTHERN STATES POWER CO. (MINNESOTA)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 9th day of February 1944.

Northern States Power Company (Minnesota), a registered holding company which is also a public-utlity company and a subsidiary of Northern States Power Company (Delaware), a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 regarding: (1) the issue and sale, by competitive bidding pursuant to the requirements of Rule U-50 promulgated under said act, of $5,000,000 principal amount of its First Mortgage Bonds, Series due February 1, 1974, and (2) the issue and sale to commercial banks at private sale and not for resale to the public of its 2¼% Serial Notes in the principal amount of $4,000,000 maturing serially in ten equal semi-annual instalments commencing six months from the date thereof; and

A public hearing having been held, after appropriate notice, upon said declaration, as amended, the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said declaration, as amended, be and the same is hereby, permitted to become effective, subject to the conditions prescribed by Rule U-24, and subject to the further condition that the issue and sale of the bonds shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been supplied by amendment and a further order shall have been entered by this Commission which order may contain such further terms or conditions as may then be deemed appropriate; jurisdiction is hereby reserved for the entry of such order and the impositions of such terms or conditions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2082; Filed, February 11, 1944; 1:05 p. m.]

[File Nos. 7-711 to 7-721]

PHILADELPHIA STOCK EXCHANGE

ORDER DISPOSING OF APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of February, A. D. 1944.

In the matter of applications by the Philadelphia Stock Exchange to extend unlisted trading privileges to eleven (11) stocks, File Nos. 7-711 to 7-721, inclusive.

The Philadelphia Stock Exchange having made application to the Commission, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to eleven securities;

After appropriate notice a hearing having been held in this matter at the Philadelphia Office of the Commission; and

The Commission having this day made and filed its findings and opinion herein;

It is ordered, Pursuant to section 12 (f) of the Securities Exchange Act of 1934, that the applications of the Philadelphia Stock Exchange for permission to extend unlisted trading privileges to

American Cable & Radio Corporation, Common Stock, $1 Par Value.

Gulf Oil Corporation, Capital Stock, $25 Par Value.

Morris & Essex Railroad Company, 7¾% Non-Cumulative Guaranteed, Capital Stock, $50 Par Value.

National Supply Company, Common Stock, $10 Par Value.

Pennsylvania Central Airlines Corp., Common Stock, $1 Par Value.

Radio-Keith-Orpheum Corporation, Common Stock, $1 Par Value.

South American Gold and Platinum Company, Common Stock, $1 Par Value.

Standard Gas and Electric Company, $7 Cumulative Prior Preference Stock, No Par Value.

Sylvania Electric Products, Inc., Common Stock, No Par Value.

Twentieth Century-Fox Film Corporation, Common Stock, No Par Value.

be and the same hereby are approved; and

It is further ordered, Pursuant to section 12 (f) of the Securities Exchange Act of 1934, that the application of the Philadelphia Stock Exchange for permission to extend unlisted trading privileges to

American & Foreign Power Company, Inc. $7 Cumulative 2nd Preferred Stock, Series A, No Par Value.

be and it hereby is denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2084; Filed, February 11, 1944; 1:05 p. m.]

[File No. 4-52-5]

C. CECIL BRYANT

ORDER DISQUALIFYING ACCOUNTANT FROM PRACTICE BEFORE COMMISSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of February, A. D. 1944.

In the matter of C. Cecil Bryant, 107 East Broadway, Ocala, Florida, File No. 4-52-5.

A proceeding having been instituted by the Commission pursuant to Rule II (e) of its rules of practice, to determine whether or not the respondent C. Cecil Bryant, a certified public accountant of Ocala, Florida, should be disqualified from or denied, temporarily or permanently, the privilege of appearing or practicing before the Commission;

A hearing having been held after appropriate notice, and the Commission being fully advised and having this day issued its findings and opinion herein;

On the basis of said findings and opinion, and pursuant to said rule, *It is ordered,* That C. Cecil Bryant be and hereby is disqualified from, and is permanently denied the privilege of, appearing and practicing before the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2083; Filed, February 11, 1944; 1:05 p. m.]

[File Nos 59-26, 70-403]

FLORIDA POWER AND LIGHT CO., ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of February, A. D. 1944.

In the matter of Florida Power & Light Company, American Power & Light Company, and Electric Bond and Share Company, File No. 59-26; in the matter of Florida Power & Light Company and American Power & Light Company, File No. 70-403.

The Commission having heretofore on December 28, 1943, issued its order herein granting a joint application and permitting to become effective a joint declaration of Florida Power & Light Company and American Power & Light Company pursuant to sections 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 regarding the issue and sale at competitive bidding pursuant to Rule U-50 of $45,000,000 aggregate principal

amount of First Mortgage Bonds due 1973 and $10,000,000 principal amount of Sinking Fund Debentures, and certain related transactions, reserving, however, its jurisdiction with respect to the fees, commissions or other remunerations to be paid in connection with the said joint application and declaration; and

Hearings having been held with respect to the propriety and reasonableness of (i) a fee of $15,000 proposed to be paid by Florida Power & Light Company to the First Boston Corporation for financial advice and assistance in formulating a financial program for Florida Power & Light Company and for services in creating a market for the sale of its debentures; and (ii) a fee of $25,000 proposed to be paid by the underwriters of Florida Power & Light Company's bonds and debentures for the legal services of Wright, Gordon, Zachry, Parlin, and Cahill as counsel for said underwriters; and

The Commission having considered the record herein and having found that the fee to be paid to the First Boston Corporation and the fee to be paid the law firm of Wright, Gordon, Zachry, Parlin, and Cahill are not unreasonable;

It is ordered, That the jurisdiction heretofore reserved with respect to the fees, commissions or other remunerations to be paid in connection with the said joint application and declaration be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-2097; Filed, February 12, 1944; 11:06 a. m.]

[File No. 70-853]

CONSOLIDATED ELECTRIC AND GAS CO. AND HAGERSTOWN GAS CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of February 1944.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and its subsidiary, Hagerstown Gas Company ("Hagerstown").

All interested persons are referred to said documents which are on file in the office of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Hagerstown proposes to sell to Harrison & Co. (or its nominee), of Philadelphia, Pennsylvania, all of its properties and other assets (with certain stated exceptions) used in the manufacture and distribution of manufactured gas in the City of Hagerstown and environs, in Maryland, for $140,000 in cash and the assumption by Harrison & Co. (or its nominee) of all the outstanding obligations of Hagerstown (with certain stated exceptions), including the first mortgage bonds of that company, due August 1, 1962, and presently outstanding in the principal amount of $266,000.

In connection with the sale by Hagerstown of its assets, Consolidated proposes to sell to said Harrison & Co. (or its nominee) the $30,000 principal amount of first mortgage bonds of Hagerstown owned by Consolidated for $30,000 in cash.

The applicants (or declarants) state that the outstanding stock of Hagerstwon, all owned by Consolidated, and the $30,000 principal amount of first mortgage bonds of Hagerstown owned by Consolidated are pledged under the indenture of Consolidated securing Consolidated's Collateral Trust Bonds. It is proposed that upon the consummation of the sales above mentioned, Hagerstown shall be liquidated and dissolved, that the proceeds of the sale of the assets of Hagerstown, together with all other cash of that company, shall be delivered to Consolidated in such liquidation, that the sum so received by Consolidated, together with the $30,000 in cash to be received by it in the sale of the bonds of Hagerstown in like principal amount, shall be deposited by Consolidated with the trustee under the indenture above mentioned, or be retained by Consolidated in reimbursement of its own treasury, if prior to receipt of such funds, it shall have deposited a like amount of cash with such trustee in lieu of such proceeds. It is further proposed that the moneys so to be delivered to said trustee, or an equivalent amount, shall be expended in the retirement of bonds issued by Consolidated and outstanding under said indenture by purchase thereof in the open market.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said applications or declarations (or both) shall not be granted or permitted to become effective except pursuant to further order of this Commission.

It is ordered, That a hearing on said matters under the applicable provisions of said act and rules of the Commission thereunder be held on February 18, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to Consolidated Electric and Gas Company and the Hagerstown Gas Company; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER. Any persons desiring to be heard in connection with these proceedings, or proposing to intervene herein shall file with the Secretary of the Commission on or before February 16, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said applications and declarations (or both), particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the consideration to be received for the assets of Hagerstown is reasonable;

(2) Whether the proposed use of the proceeds of the sale of said assets in the acquisition of Consolidated's collateral trust bonds on the open market is in conformity with the applicable provisions of the act;

(3) Generally, whether in any respect, the proposed transactions are detrimental to the public interest or to the interest of investors or consumers or will tend to circumvent any provisions of the act or the rules and regulations promulgated thereunder;

(4) Whether, if the proposed transactions are authorized, the imposition of terms and conditions is necessary and appropriate in the public interest or for the protection of investors and consumers and, if so, what terms and conditions should be imposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-2136; Filed, February 14, 1944; 9:51 a. m.]

[File No. 70-855]

CONSOLIDATED ELECTRIC AND GAS CO. AND ATHENS AND SAYRE GAS CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of February 1944.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and its subsidiary, Athens and Sayre Gas Company ("Athens and Sayre").

All interested persons are referred to said declarations or applications (or both), which are on file in the office of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Athens and Sayre proposes to sell to H. Emerson Thomas and Mark Anton (or their nominee) of Westfield, New Jersey, and New York City, respectively, all of its properties and assets used in the manufacture and distribution of manufactured gas in the Boroughs of Athens and Sayre and their immediate environs, in Pennsylvania, for a basic sales price of $132,255, subject to certain adjust-

ments to the date of sale, and the assumption by the purchaser of all outstanding contracts, obligations, and liabilities of Athens and Sayre, except obligations owed to Consolidated and any liability for Federal income taxes for prior years.

It is stated by the applicants (or declarants) that all the outstanding securities of Athens and Sayre are owned by its parent, Consolidated, except six shares of 6% non-cumulative preferred stock of the par value of $100 per share which are publicly held and $68,000 principal amount of demand notes which are held by an affiliated company, The Gas Light Company of Waverly, and that all the securities of Athens and Sayre owned by Consolidated are pledged under an indenture securing certain bonds heretofore assumed by Consolidated and known as Federated Utilities, Inc., First Lien Collateral Trust 5½% Gold Bonds, due March 1, 1957. In accordance with the contract for the sale of the assets of Athens and Sayre which provides for the transfer of said assets free of the lien of the indenture securing the bonds of Athens and Sayre, outstanding in the principal amount of $100,000 and all owned by Consolidated, Consolidated proposes to surrender said bonds to Athens and Sayre for cancellation, as a capital contribution, prior to the sale of the assets of the latter company. It is further proposed that upon the consummation of said sale, Consolidated shall surrender to Athens and Sayre the remaining debt securities of the latter company held by Consolidated, as a further capital contribution, and that Athens and Sayre shall then be liquidated and dissolved, the proceeds of the proposed sale to be received by Consolidated in such liquidation to be deposited by it with the trustee under the indenture securing the assumed Federated Utilities, Inc., bonds above mentioned, or retained by Consolidated to reimburse its own treasury if Consolidated, prior to receipt of such proceeds, shall have deposited a like amount of money with said trustee in lieu of such proceeds. It is further proposed that the moneys so to be deposited, or an equivalent amount, shall be expended in the retirement of said assumed bonds by purchases thereof in the open market.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said applications or declarations (or both) shall not be granted or permitted to become effective except pursuant to further order of this Commission.

It is ordered, That a hearing on said matters under the applicable provisions of said act and rules of the Commission thereunder be held on February 18, 1944, at 2:00 p. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to Consolidated Electric and Gas Company and Athens and Sayre Gas Company; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein shall file with the Secretary of the Commission on or before February 16, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said applications and declarations, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the consideration to be received for the assets of Athens and Sayre Gas Company is reasonable;

(2) Whether the proposed use of the proceeds of the sale of said assets in the retirement of the above mentioned assumed bonds of Consolidated through purchases of such bonds on the open market is in conformity with the applicable provisions of the act;

(3) Generally, whether in any respect, the proposed transactions are detrimental to the public interest or to the interest of investors or consumers or will tend to circumvent any provisions of the act or the rules and regulations promulgated thereunder;

(4) Whether, if the proposed transactions are authorized, the imposition of terms and conditions is necessary and appropriate in the public interest or for the protection of investors and consumers and, if so, what terms and conditions should be imposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-2137; Filed February 14, 1944; 9:51 a. m.]

[File Nos. 54-78, 54-40, 59-40, 54-53, 59-49]

CONSOLIDATED ELECTRIC AND GAS CO., ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of February 1944.

In the matters of Consolidated Electric and Gas Company, File No. 54-78; Consolidated Electric and Gas Company, applicant, File No. 54-40; Central Public Utility Corporation, Consolidated Electric and Gas Company, respondents, File No. 59-40; Christopher H. Coughlin, W. T. Crawford and Rawleigh Warner, voting trustees under Voting Trust Agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, applicants, File No. 54-53; Christopher H. Coughlin, W. T. Crawford and Rawleigh Warner, voting trustees under Voting Trust Agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, respondents, File No. 59-49.

Consolidated Electric and Gas Company, a registered holding company, having filed an application, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan for certain action designed to enable that company and certain of its subsidiary companies to comply with the provisions of section 11 (b) of said act; the Commission having by order dated July 19, 1943, consolidated the proceedings upon said application (1) with certain proceedings theretofore instituted by the Commission pursuant to section 11 (b) of said act with respect to said Consolidated Electric and Gas Company and Central Public Utility Corporation, also a registered holding company, (2) with certain other proceedings instituted by the Commission pursuant to said section 11 (b) with respect to Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, Voting Trustees under a certain voting trust agreement dated August 1, 1932, relating to common stock of said Central Public Utility Corporation (said Trustees also being a registered holding company), (3) with proceedings upon an earlier application of said Consolidated Electric and Gas Company for approval of certain other action also designed to enable said Consolidated Electric and Gas Company to comply with said section 11 (b), and (4) with proceedings upon an application and declaration by said Trustees, above named, regarding the disposition of the common stock of Central Public Utility Corporation held by said Trustees and the Commission having by said order of July 19, 1943, set down said consolidated proceedings for hearing at the offices of the Commission in Philadelphia, Pennsylvania, at 10:00 a. m., e. w. t., on August 4, 1943; and said hearing having been postponed by subsequent orders of the Commission until February 15, 1944; and

Consolidated Electric and Gas Company having requested that the hearing so directed to be held in said consolidated proceedings be further postponed for a period of not less than sixty days, stating in such request, among other things, that the company, since June 23, 1943, the date of the filing of its application for approval of the plan hereinabove first mentioned, has disposed of its interests in, or the assets of, twelve of its subsidiary companies, that declarations regarding the sale of the assets of two additional subsidiaries are pending before this Commission; that negotiations looking toward the sale of several additional subsidiaries are in progress; that this Commission has recently authorized the sale by Consolidated Electric and Gas Company of all the common stock of Central Illinois Electric and Gas Co., one of the principal subsidiaries of the system, to the public through competitive bidding, but that

such sale cannot be consummated nor the price to be received for such common stock determined until after the date presently set for the hearing herein; that consummation of the transactions now pending will require substantially the full time and attention of the holding company management and, while simplifying problems of system compliance with said section 11 (b), will require material revision of the plan for such compliance heretofore submitted to this Commission; and that the financial statements reflecting the changes in the Consolidated system resulting from the above-mentioned transactions will not be available until after the date presently set for the hearing herein; and

The Commission deeming it appropriate under the circumstances that the hearing directed to be held herein on February 15, 1944, be further postponed;

It is ordered, That the hearing in this matter previously scheduled for February 15, 1944, at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, be and hereby is postponed to April 18, 1944, at the same hour and place and before the same trial examiner as heretofore designated.

It is further ordered, That the time within which any person other than parties to said consolidated proceedings desiring to be heard or otherwise wishing to participate in said proceedings shall file his request or application therefor with the Secretary of the Commission as provided by Rule XVII of the Commission's rules of practice be, and the same hereby is, extended to April 13, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2138; Filed, February 14, 1944; 9:51 a. m.]

[File Nos. 54-57, 59-57, 70-860]

AMERICAN UTILITIES SERVICE CORP., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING AND CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of February 1944.

In the matters of American Utilities Service Corporation, File No. 54-57, and American Utilities Service Corporation and its subsidiary companies, respondents, File No. 59-57, Fred D. Ellis and Edmund J. Haugh, File No. 70-860.

Notice is hereby given that on February 10, 1944, Fred D. Ellis and Edmund J. Haugh filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 9 (a) (2) and 10 thereof. All interested persons are referred to said document which is on file in the office of this Commission for the statement of transactions therein proposed which are summarized as follows:

The applicants propose to purchase from American Utilities Service Corporation, a registered holding company, all (95,000 shares, par value $5 per share) of the issued and outstanding common stock of Northwestern Illinois Utilities, an electric and gas utility company and a subsidiary company of American Utilities Service Corporation, together with the unsecured 6% promissory note of Northwestern Illinois Utilities dated November 1, 1938, and due November 1, 1964, in the principal amount of $375,000 for a cash consideration of $840,000 with interest at the rate of 6% from January 1, 1944, to closing date.

It appearing to the Commission that said applicants are already affiliates of one or more public utility or holding companies and will by virtue of the proposed acquisition become affiliates of Northwestern Illinois Utilities; and

It further appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application and that said application shall not be granted except pursuant to further order of the Commission; and

It further appearing to the Commission that on January 17, 1944, the said American Utilities Service Corporation filed an application with this Commission proposing to sell to Fred D. Ellis and Edmund J. Haugh all of the issued and outstanding common stock of Northwestern Illinois Utilities together with its unsecured note in the amount of $375,000 for the aggregate purchase price of approximately $840,000 in cash; and

It further appearing to the Commission that under date of January 26, 1944, the Commission gave notice of the filing of said application of said American Utilities Service Corporation and ordered that a hearing be held thereon on February 15, 1944, at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania; and

It further appearing to the Commission that the proceedings upon the said applications of said Fred D. Ellis and Edmund J. Haugh and American Utilities Service Corporation involve common questions of law and fact; that evidence offered in respect to each of said matters will have a bearing on the other matter; and that substantial savings in time, effort and expense will result if the hearings on these matters are consolidated so that they may be heard as one matter, and so that the evidence adduced in each matter may stand as evidence in the other for all purposes;

It is ordered, That the proceedings upon the said applications of Fred D. Ellis and Edmund J. Haugh and of American Utilities Service Corporation be and they are hereby consolidated for the purpose of hearing and that the said consolidated hearing be held on February 15, 1944, at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On the day hereinabove indicated for such consolidated hearing, the hearing room clerk in Room 318 will advise where such hearing will be held.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at such consolidated hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That at said hearing without limiting the scope of the issues presented by said applications, particular attention shall be directed to the issues specified in the notice of filing and order for hearing under date of January 26, 1944, in regard to the application of American Utilities Service Corporation, and to the following additional matters and questions:

1. The amount of interest to be acquired by each of the applicants in the securities of Northwestern Illinois Utilities and whether the interests to be acquired are to be held by the purchasers as individuals, or whether any partnership, syndicate or similar agreement exists or is contemplated.

2. Whether or not the acquisition of the proposed securities by these purchasers will serve the public interest by tending toward the economical and efficient development of an integrated public utility system, and whether such acquisition will tend toward interlocking relations or concentration of control of public utility companies of a kind or to an extent detrimental to the public interest or the interest of investors or consumers.

3. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors and consumers.

4. Generally, whether the proposed transactions meet the standards of the appropriate provisions of the Public Utility Holding Company Act of 1935 and rules and regulations promulgated thereunder.

It is further ordered, That the Secretary of this Commission shall serve notice of the hearing aforesaid by mailing a copy of this order to American Utilities Service Corporation and to Fred D. Ellis and Edmund J. Haugh by registered mail; and that notice of said hearing be given to all other persons by publication of a copy of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2139; Filed, February 14, 1944; 9:51 a. m.]

[File No. 1-727]

AMERICAN METAL MINING CO.

FINDINGS AND ORDER WITHDRAWING SECURITIES FROM REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of February, A. D., 1944.

In the matter of American Metal Mining Company, Assessable Common Stock, Par Value 10¢, File No. 1–727.

This proceeding having been instituted, pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether or not the Commission should suspend or withdraw the registration of the assessable common stock, 10¢ par value, of American Metal Mining Company, listed and registered on the Salt Lake Stock Exchange, a national securities exchange;

A hearing having been held after appropriate notice to the registrant and the Salt Lake Stock Exchange; the trial examiner having filed an advisory report, finding that registrant had failed to comply with section 13 of the said act and the rules and regulations promulgated thereunder, in that (1) it made false and misleading statements in Item 4A of its current report on Form 8–K for the calendar month ended August 31, 1942, filed by it with the Commission on September 12, 1942; (2) it made false and misleading statements in Item 12 of its annual report on Form 10–K for the fiscal year ending December 31, 1942, filed by it with the Commission on May 4, 1943; (3) it failed to submit with the said annual report financial statements certified by an independent public or independent certified public accountant or accountants, all of which more fully appears in the report of the trial examiner which is now made part of the public record of this proceeding;

A copy of the trial examiner's report having been duly served on the registrant and the exchange, and no exceptions thereto having been filed; the Commission having adopted the trial examiner's findings as being in accord with the evidence, and finding that it is necessary and appropriate for the protection of investors to withdraw the said stock from registration;

It is ordered, Pursuant to section 19 (a) (2) of the said act, that the registration of the stock in question be, and the same hereby is, withdrawn, effective ten days after the date of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–2140; Filed, February 14, 1944; 9:51 a. m.]

WAR FOOD ADMINISTRATION.

STABILIZATION OF SALARIES AND WAGES OF AGRICULTURAL LABOR

DELEGATION OF AUTHORITY

Pursuant to the authority granted to the Director of the Office of Labor of the War Food Administration by § 1100.2 of "Regulations Relative to Salaries and Wages of Agricultural Labor" issued by the War Food Administrator on January 17, 1944 (9 F.R. 655), there is hereby delegated to the Chief of the Program Branch, Office of Labor, or in his absence, the Acting Chief of the Program Branch, Office of Labor, and to the Chief, Wage Stabilization Division, Program Branch, Office of Labor, or in his absence, the Acting Chief, Wage Stabilization Division, Program Branch, Office of Labor, all the powers conferred upon the Director, Office of Labor, War Food Administration, with respect to the program for the stabilization of salaries and wages of agricultural labor established by the "Wages and Salaries" regulations issued by the Director of the Office of Economic Stabilization on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702), the "Regulations Relative to Salaries and Wages of Agricultural Labor" issued by the War Food Administrator on January 17, 1944, the "Specific Wage Ceiling Regulations" issued by the War Food Administrator on January 20, 1944 (9 F.R. 831), specific wage ceiling regulations heretofore or hereafter issued and such other regulations as may be issued by the War Food Administrator or the Director of the Office of Labor, War Food Administration: *Provided, however,* That such officers shall not by virtue of this delegation have the authority to issue specific wage ceiling regulations established pursuant to § 4001.7 of the "Wages and Salaries" regulations issued by the Economic Stabilization Director, § 1100.7 of the "Regulations Relative to Wages and Salaries of Agricultural Labor" and "Specific Wage Ceiling Regulations" issued by the War Food Administrator, all referred to above.

Issued this 11th day of February 1944.

PHILIP S. BRUTON,
Director, Office of Labor.

[F. R. Doc. 44–2088; Filed, February 11, 1944; 3:36 p. m.]

OFFICERS OF OFFICE OF LABOR

DELEGATION OF AUTHORITY

There is hereby delegated to the following officers of the Office of Labor, War Food Administration, in the order designated below, authority to act as Acting Director of the Office of Labor, for and on behalf of the Director of the Office of Labor, in his absence:

The Assistant Directors, Office of Labor, and the Chief of the Program Branch, Office of Labor.

Issued this 11th day of February 1944.

PHILIP S. BRUTON,
Director, Office of Labor.

[F. R. Doc. 44–2089; Filed, February 11, 1944; 3:36 p. m.]